(Register 14, No. 8—12-25-48)

State of California
California Administrative Register 14, No. 8

(December 25, 1948)

Amendments and Additions to Rules and Regulations of

Title 2. Personnel Board
Board of Control

Title 8. Construction Safety Orders

Title 14. Fish and Game

Title 16. Dry Cleaners

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California administrative code.
(Superseded leaves)

1559. Plans, maps, plats, specifications and estimates to be prepared under the Act for a specific project shall be in accordance with the best standards of practice of the profession or professions involved, viz., the American Institute of Architects, the American Society of Civil Engineers, the American Society of Mechanical Engineers, etc.

1560. All applicable laws and regulations concerning (a) plans and construction of a specific project or (b) the acquisition of rights of way or sites, shall be observed.

1561. Each application for plans preparation or request for an allotment for acquisition aid for rights of way or sites must be fully completed and must be accompanied by a complete list or statement of local agency's postwar public works program and arranged, if possible, in order of the relative importance of each of the projects included within the program.

1562. Upon request of the Board, the Director or the State Controller, the local agency shall supply progress reports and such other information as may be required from time to time in administering the provisions of the Act.

1563. All payments to be made by the State, in paying its share of the cost of an acquisition or of plans, will be made in the name of local agency.

1564. Under extraordinary circumstances and where there is a special State interest, if local agency desires to apply to the Board, under Section 25.3 of the Act, requesting that more than one-half of the cost of the plan preparation or acquisition of the right of way or site be paid from the minimum amount allocated to local agency, such information, with reasons, shall be stated upon the supporting sheets accompanying the application for plans preparation reimbursement or request for acquisition aid.

1565. In the event a project is abandoned for any reason after application has been filed and allotment made by the Board, a resolution, in duplicate, shall be submitted by the governing body of the local agency, requesting withdrawal of the application and stating the reasons therefor. Reimbursement will be made by the local agency to the State for any funds paid out by the State on claims for such incomplete project.

History: New section filed 10-28-47 as an emergency (Register 10, No. 1).

1566. Allocations to local agencies provided by the Act shall be available in cases where one or more local agencies engage jointly in the undertaking of a postwar construction activity as now provided by law, and in cases where a local agency engages in such activity jointly with or through a district or other governmental unit.

1567. A local agency may by resolution or ordinance, certified copies of which it files with the Controller, the Director, the Board and the assignee, assign the money allocated to it under the Act, or any portion thereof, to any other local agency or to any governmental unit or district in this State either for the sole use of such assignee or for use by the assignee acting in behalf of any local agency, governmental unit or district or of any combination thereof, including or excluding the assigning local agency. Money unused by the assignee shall be credited to

the allocation of the assigning agency. After an assignment, the assignee shall have all the powers and duties given to the assigning local agency or local agencies under the Act other than assignment of an allocation and shall generally be treated for the purposes of the Act as a local agency, except for the allocation of money to other local agencies.

1568. The resolution or ordinance (see sample Form 47-F-11A) adopted by the local agency assigning funds must designate whether the assignment is for the purpose of plan preparation or the acquisition of sites, or both, and shall state the respective amounts assigned.

Article 3. Applications for Allotments for Preparation of Plans

1572. Applications for Allotments for Preparation of Plans. All applications shall be prepared on forms supplied by the Director.

1573. The cost of engineering or architectural supervision of construction is not reimbursable under this Act and charges therefor shall be excluded from amounts shown for the cost of plan preparation.

History: New section file 10-28-47 as an emergency (Register 10, No. 1).

1574. (a) A separate application for an allotment of the State's share of the cost of preparing plans shall be filed for each specific project.

(b) Where two or more local agencies propose to engage jointly in a specific project, an application shall be filed by each agency or by one agency designated in resolutions of the legislative bodies of all local agencies which are jointly engaging in the specific project. In such case, each application shall show upon its face that it is one of several joint applications and the identity of each local agency joining in such joint enterprise.

1575. Application forms shall be prepared in quadruplicate and three copies filed with the Director, the fourth copy being retained by local agency. Each item on the application form must be completed or must be marked "none." A complete application shall consist of the following:

(a) Application forms in triplicate.

(b) One certified copy of the resolution or ordinance adopted by the governing body of the local agency.

(See sample of resolution 47-F-5 appended to these rules.) The resolution or ordinance shall include:

(1) The title of the specific project.

(2) A statement of the estimated cost of preparing the plans.

(3) The amount of the allotment requested.

(4) A statement that the local agency has made provision for paying one-half or more of the cost of the plans.

(5) A designation of the person, together with his title and address, authorized to act for local agency in matters under the Act.

(c) One copy of the preliminary drawings or sketches of the specific project sufficient to give an indication of the construction work to be developed.

(d) One copy of the estimate of cost of construction with a breakdown of items of work and material used by the local agency in arriving

REVISION RECORD FOR REGISTER 10, No. 5

(December 6, 1947)

TITLE 2. ADMINISTRATION

STATE ALLOCATION BOARD

This part of Register 10, No. 5, contains all the additions, amendments and repeals affecting the above-entitled portion of the California Administrative Code which were filed with the Secretary of State from December 1, 1947, to and including December 6, 1947.

It is important that the holders of the above-entitled portion of the Code check the section numbers listed below as well as the page numbers when inserting this material in the Code and removing the superseded material. In case of doubt rely upon the section numbers rather than the page numbers since the section numbers must run consecutively even though there may be an error in the paging.

Unless otherwise noted, the sections listed below are amended herein.

Section	Section
1590	1694

If the superseded material is saved and separately filed under the original heading (either the appropriate title or register heading), it will always be possible to refer back to the prior wording of any section by using the history note which is provided following each amended section of the Code.

NOTE—This revision record is not a part of the Code and should not be inserted therein. It is for filing purposes only.

at the estimated figure of cost of construction set forth in the application, such as the cost per cubic foot, per square foot and per lineal foot or other units used in making estimates.

(e) A site plan showing the boundaries of the district to be served by the project, the streets, alleys, improved property and buildings (where affected) and other pertinent data.

(f) One copy of the local agency's agreement with an architect or engineer for his services in preparing plans if the work is to be done by contract.

(g) One copy of local agency's entire postwar construction program. (See Rule 1561.)

History: 1. Originally published 11-16-45 (Register 2).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

Article 4. Final Completed Plans, Specifications and Estimates

1580. Final Completed Plans, Specifications and Estimates. One copy of the final completed plans, specifications and estimates is required to be filed with the State before final payment of State's share is made to local agency.

(a) Plans for a specific project shall not be deemed complete until complete drawings and specifications have been prepared in such a manner that any competent mechanic or other builder would be enabled to carry them out, the project could be advertised for bids on a competitive basis, and estimates of cost based upon the completed plans and specifications have been prepared.

(b) For specific projects, such as buildings, requiring separate bids from various construction trades, the work of the mechanical trades shall be set forth on drawings, and explained in specifications separated from those for the general work.

(c) The final estimate from which the estimate of cost of the specific project is determined shall include an itemized list of quantities and unit prices. The estimates covering the cost of a specific project shall include a breakdown of items of work and materials and shall be complete showing both unit cost and totals, and in sufficient detail to permit the Board to review them quickly and accurately.

History: 1. Originally published 11-16-45 (Register 2).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

1581. The completed plans, specifications and estimates shall be prepared in accordance with the best standards of practice of the profession or professions involved, viz., the American Institute of Architects, the American Society of Civil Engineers, the American Society of Mechanical Engineers, etc., and compiled in such manner that they may be accurately reviewed by the Board.

For purposes of identification there shall be shown on each drawing the following information:

(1) Name of local agency.
(2) Title of Project.
(3) Name, signature, address and license or certificate numbers of architects and/or engineers.

History: 1. Originally published 11-16-45 (Register 2).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

1582. The amount of State participation in the cost of preparing the completed plans shall not exceed 3 per cent of the final estimate of cost of the specific project including cost of plan preparation, except in special cases approved by the Board.

1583. If payments made to local agency by the State, based on preliminary estimates, exceed the statutory percentage, the local agency will reimburse the State to the extent necessary.

1584. The State reserves the right to approve or disapprove the final estimates of cost on the basis of comparable prices and wage levels in the area involved. Where original estimates of cost are being revised to current cost levels, the Board in reviewing final estimates of cost may consider, where it deems them applicable, average costs of the year in which such original estimates were prepared, adding thereto or subtracting therefrom the percentage of increase or decrease as shown in the construction cost indexes published by the *Engineering News-Record*, and may limit such increases in accordance with such construction cost indexes.

Article 5. Procedure for Filing Claims for Plans Preparation Reimbursement

(After application has been approved)

1590. Procedure for Filing Claims for Plans Preparation Reimbursement. (a) Applications for reimbursement or payment of the State's share shall be submitted on forms to be provided by the Director and shall be accompanied by such information and evidence of expenditure as is prescribed by the State Board of Control.

(b) Two copies of all invoices for purchase of materials and supplies or payments to architects and/or engineers for services rendered shall be furnished to support all such expenditures as listed on each claim.

History: 1. Originally published 11-16-45 (Register 2).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

1591. (a) Costs involved for work performed by local agency's own forces may include in addition to applicable pay rolls, the cost of expendable materials, transportation directly related to the project, office and equipment rental in excess of normal operation, utility services that are in excess of normal operating costs of the applicant and such other proper charges as may be approved by the Board.

(b) When payable or reimbursable from State funds appropriated by the Act, the nature and amount of expense account items of local agency's normally employed forces shall be in accordance with local agency's rules and regulations, if any, but shall not exceed, as to amount, the maximum amounts allowable under the rules and regulations of the State Board of Control adopted under Section 13920 of the Government Code.

1592. The costs for work performed by local agency's own forces shall be limited to salaries of employees, cost of materials and expenses directly attributable to the work. Administrative and supervisorial

wages, salaries and expenses of those who would normally be employed by the local agency regardless of such work will not be allowed.

1593. Where architectural, engineering or planning work is done on a contract basis, all costs paid by the local agency for such work, subject to the limitations contained in these Rules, may be included in the application. All final plans, specifications and estimates of cost which are prepared by any person or persons other than an official of the local agency shall show the name of the person or persons preparing the same, together with the number of the professional license or licenses held by such person or persons.

1594. After an allotment for the preparation of plans has been made to, and expenditures have been made by, a local agency, claims may be filed by the local agency at such intervals as may be approved by the Director for submission of such claims, for payment of the State's share of the amount actually expended by local agency until 75 percent of the State's share has been paid to the local agency. The local agency shall also, upon its request, be entitled to reimbursement for up to 25 percent of the State's share after each 25 percent of the total estimated cost of preparing plans has been expended by the local agency. No payment in excess of 75 percent of the State's share will be made until complete final plans, specifications and estimates of cost have been filed with the State.

1595. Applications for reimbursement of the State's share will not be approved if the amount, including all previous payments, is in excess of: (1) The total amount of allotment; (2) 50 per cent of the total cost, unless proper application for allotment from the minimum allocation has been approved pursuant to Section 25.3 of the act; or (3) 3 per cent of the estimated total cost of the specific project, unless the Board has approved the additional amount.

1596. Expenditures for work done on plans after July 1, 1944, may be included if an allotment for such plan preparation has been approved.

Article 6. Requests for Allotments of State Funds for Acquisition of Rights of Way and Sites—Application for Payment After Approval of Request

1601. Requests for Allotments of State Funds for Acquisition of Rights of Way and Sites—Application for Payment After Approval of Request. All requests shall be prepared on forms supplied by the Director.

History: New section filed 10-28-47 as an emergency (Register 10, No. 1).

1602. A separate request for an allotment shall be made for each right of way or site proposed to be acquired. All property required as a right of way or site for a postwar construction project may be included in one request.

1603. A request for acquisition aid for property on which no development or construction is proposed is not eligible for reimbursement under this Act. It must be shown that the local agency is preparing

plans for the development of the site in order that the request will be considered by the Board.

History: New section filed 10-28-47 as an emergency (Register 10, No. 1).

1604. All requests shall be prepared in quadruplicate, one copy to be retained by the local agency. Each item on the form must be completed or marked "none," in order to enable the Board to properly judge and determine the nature of the project, the relative desirability and cost of the right of way or site proposed to be acquired as compared with others available for such purpose.

History: 1. Originally published 11-16-45 (Register 2)
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1)

1605. The cost or estimated cost of the acquisition of a right of way or site may include the purchase price of the property and other costs directly related thereto, less estimated amounts to be recovered from sale of excess land or improvements and any rental collections received or anticipated, but shall not include wages, salaries and expenses of administrative or supervisorial officers and employees normally and regularly employed by the local agency. Any expense account items of the local agency's normally employed forces shall be in accordance with local agency's rules and regulations, if any, but shall not exceed, as to amount, the maximum amounts allowable under the rules and regulations of the State Board of Control adopted under Section 13920 of the Government Code.

1606. A request for acquisition aid shall be accompanied by the following:

(a) Request forms in triplicate.

(b) A certified copy of the resolution or ordinance of the governing body of the local agency requesting the allotment, which must include.

(1) A title designation of the site or right of way sufficient to identify it.

(2) The net cost or estimated net cost of the acquisition of the site or right of way.

(3) A statement showing that the local agency has made provision for payment of one-half or more of the cost of acquisition and the details of the manner in which such provision has been made.

(4) A designation of the person, his title and address who has been authorized to act as the agent of the local agency in matters under this Act.

(See sample form 47-F-9A appended to these rules.)

(c) A map showing the proposed site or right of way and a plat with each separate parcel to be acquired delineated thereon.

(d) A complete narrative description of each parcel of property including legal description, dimensions, type, size, improvements thereon and general character of neighborhood.

(e) The assessed value of each parcel of property.

(f) Two independent appraisals (a-member of American Institute of Real Estate Appraisers; b-local real estate board or member thereof; c-a responsible bank official) of each parcel of property with which shall

be submitted a statement of each appraiser's qualifications and experience, and a summary of the information upon which the appraisals are based, such as (1) recent sales; (2) listings; (3) rental values.

(g) A statement of other rights-of-way or sites and the cost or estimated cost thereof which were considered by the local agency in making the selection for which the allocation is being requested and reasons why the selection made is preferable.

(h) One copy of the local agency's entire postwar construction program. (See Rule 1561)

(i) A statement as to the present status of plans for the development of the site and whether application for plan reimbursement will be made under the provisions of this Act.

History: 1 Originally published 11-16-45 (Register 2)
2 Amendment filed 10-28-47 as an emergency (Register 10 No. 1)

1607. Prior to approval of a request for acquisition aid, the Board will secure from qualified sources such appraisals and reports as it deems necessary to determine the relative desirability and if the cost of acquiring the right-of-way or site is reasonable.

1608. Payment of the State's share of the cost of securing a right-of-way or site will be subject to the securing by the local agency of title to such right-of-way or site which will be satisfactory to the Director. Generally, the title secured or to be secured must be free and clear of all liens, encumbrances and defects of title, such as mortgages, deeds of trust and easements which may interfere with the intended use of the property. Whether taxes or assessments shall be paid prior to acquisition of a right-of-way or site shall be determined by the local agencies involved.

1609. After the Board has approved the request of a local agency for aid in the acquisition of sites or rights-of-way and expenditures have been made by the local agency or it is obligated to make an expenditure in order to complete the acquisition, it may submit in duplicate an application to the Director of Finance for payment, on forms supplied by the Director and which shall contain all information required thereby.

1610. On or before the date the local agency submits an application for payment of the State's share of the amount which has been paid for the acquisition of the right-of-way or site, the Director must be furnished with the following:

(a) Two copies of a policy of title insurance showing title vested in the local agency, or two copies of a statement by a reputable title company, signed by a responsible officer, that title to such parcel or parcels has passed to local agency, free and clear of all liens, encumbrances and defects of title except as shall be enumerated and completely described in such statement.

(b) A certified statement by the authorized agent that the parcel or parcels of property for which state funds are requested have been acquired in good faith. Such statement shall show the consideration paid for each parcel less estimated or actual amounts received from sale of excess land, salvage, or rentals and the date title to each parcel vested in local agency.

(c) Where title has been or is being secured under condemnation proceedings, a certified copy of the interlocutory judgment and, if payment has been made, of the final judgment.

History: 1. Originally published as 1609 on 11-16-45 (Register 2)
2. Amendment filed 10-28-47 as an emergency (Register 10 No. 1)

1611. If payment is made to a local agency before completion of the acquisition, the Director shall be furnished with:

(a) A certified statement by the authorized agent that the parcel or parcels of property for which State funds are requested in the application for payment will be acquired in good faith. Such statement shall show the consideration to be paid for each parcel.

(b) A written statement by a reputable title company, signed by a responsible officer, that the title company holds documents which upon receipt of a designated sum will vest title in local agency, free and clear of all liens, encumbrances and defects of title except as shall be enumerated and completely described in such statement. Such statement shall fully identify the particular parcel or parcels to be acquired.

History: 1. Originally published as 1610 on 11-16-45 (Register 2)
2. Amendment filed 10-28-47 as an emergency (Register 10 No. 1)

1612. Where payment has been made by the State prior to completion of the acquisition, then within 30 days after completion of the acquisition, the Director shall be furnished with duplicate policies of title insurance and a certified statement by the authorized agent as requested under rules 1610 (b) above.

History: 1. New section filed 10-28-47 as an emergency (Register 10 No. 1)

1613. After determining that all the proper information has been submitted and the title secured or to be secured is satisfactory, the Director will approve the application for payment within 60 days after receipt thereof or of the final information requested by him.

1614. On approval of the application for payment, the Director shall transmit a claim for the amount due, together with all supporting information, to the State Controller for issuance of warrant.

1615. These rules and regulations shall supersede any and all rules and regulations heretofore adopted by the Board.

Article 6. Appendix. Sample Forms to be Used

1616. Appendix. Sample Forms to Be Used. The sample forms appended to these rules and listed below, or as such forms may be augmented or revised from time to time by the Director or the Board, shall be used by local agencies in securing State Aid under the Act.

Form No.	
47-F-4A	APPLICATION FOR PLAN PREPARATION REIMBURSEMENT
47-F-5	RESOLUTION TO ACCOMPANY PLANS APPLICATION
47-F-7	RESOLUTION FOR JOINT PLAN PREPARATION
47-F-8A	REQUEST FOR ACQUISITION AID
47-F-9A	RESOLUTION TO ACCOMPANY ACQUISITION REQUEST
47-F-11A	RESOLUTION FOR ASSIGNMENT OF ALLOCATIONS
47-F-17	TRANSFER OF ALLOCATIONS, SITES TO PLANS
47-F-18	LOCAL AGENCY'S RESOLUTION, SITES TO PLANS

47-F-4A

STATE OF CALIFORNIA
DEPARTMENT OF FINANCE
Local Allocation Division
Room 160, 1020 N Street
SACRAMENTO 14, CALIFORNIA

(FOR STATE'S USE ONLY)	
Application Number	
Date Received by State	
Allotment Number	
Executive Order Issued	
Amount Approved	$

APPLICATION FOR PLAN PREPARATION REIMBURSEMENT FOR PUBLIC WORKS PROJECTS

(Under provisions of Chapter 47, Statutes of 1944 (4th Extra Session) and Rules and Regulations prescribed thereunder)

To: STATE DIRECTOR OF FINANCE:

Application is hereby made in triplicate and the authorized agent signing this application on behalf of local agency hereby certifies that the statements set forth in this and attached sheets are true to the best of his knowledge and belief. (Prepared in quadruplicate in accordance with revised rules and forms and fourth copy retained.)

Applicant..... (Local Agency) Date.....

Signature of person designated by resolution as "Authorized Agent"..... (Signature)

Title..... Mailing address.....

Local Agency's Resolution No..... (Certified copy attached) Dated.....

Assignment resolution(s) (if any) No.(s)..... (Certified copy(ies) attached) Dated.....

1. Short Title of Specific Project.....
2. Description and Scope of Specific Project. (Location, type and size of structure (attached preliminary plans or sketches available), availability of necessary land, and other factual data.).....
3. Funds or sources from which money is being made available by Local Agency for paying one-half or more of cost of plan preparation.

(1)..... $..... (2)..... $.....

4. **Estimated or Actual Cost of Plans** (Excluding cost of supervision of construction)
 a. Preliminary investigation, surveys, etc. (if any) $_____
 b. State fees (if any) $_____
 c. Plans, specifications and estimates $_____
 d. Total (a + b + c) $_____
 e. Expense incurred prior to July 1, 1944 (if any) $_____
 f. Total actual and/or estimated expense incurred or to be incurred after July 1, 1944 $_____
5. **Estimated Cost of Specific Project**
 a. Total cost of plans (same as 4d) $_____
 b. Amount of architect's or engineer's fee for supervising construction (if any) $_____
 c. Estimated cost of construction (breakdown attached) . . . $_____
 d. Total cost of specific project including plans (5a + 5b + 5c) . $_____
 e. 6% of cost of project (6% of Item 5d) $_____
6. **Amount applied for** $_____
7. **Status of Plan Preparation Work**
 a. Date started or to start_____
 b. Estimated approximate date for completion of final plans, specifications and estimates_____
8. **Local Agency Desires to File Claims for Reimbursement** (*check which*)
 ☐ Monthly ☐ Quarterly ☐ Semi-Annually ☐ For each 25% of cost ☐ One lump sum after completion
9. Professional services will be rendered by Local Agency's employees (Yes or No) _____. If by contract, name of person or firm rendering service_____

 License No._____
 (If by contract, attach copy of contract)
10. Summary of Local Agency's postwar construction program attached.

APPLICATION APPROVED

STATE OF CALIFORNIA

By..... (Director of Finance)

Date.....

STATE ALLOCATION BOARD

By..... (Chairman)

Date.....

47-F-5

SAMPLE RESOLUTION

(To Accompany Plans Application)

RESOLUTION No._____

1. WHEREAS, The State of California under Chapter 47, Statutes of 1944 (4th Extra Session), has appropriated funds for allotment by the Director of Finance to provide financial assistance to Local Agencies defined therein as counties, cities or cities and counties for the purpose of defraying not to exceed one-half the cost of preparing engineering field surveys, engineering or architectural designs, and working and detailed drawings and specifications (hereinafter called "Plans") required for postwar public works projects described as "specific projects" in said Act; and

2. WHEREAS, The_____, hereinafter designated as "Local Agency",
Local agency
desires to apply to the Director of Finance and/or the State Allocation Board, as the case may be, for an allotment of the State's share of the estimated cost of preparing the completed plans hereinafter mentioned and there has been prepared and presented to this legislative body for consideration an application for such purpose; and

3. WHEREAS, Local agency has provided, or will make available upon approval of the aforementioned application, sufficient funds to prepare the completed plans herein mentioned; now, therefore, be it

4. *Resolved*, That local agency submit the aforesaid application to the Director of Finance and/or the State Allocation Board, as the case may be, requesting allotment of _____ ($_____) dollars being not more than one-half the cost of preparing said completed plans, or for such amount as may be approved by the Director of Finance and/or the State Allocation Board (said allotment to be used for the purpose of defraying the cost of preparing said completed plans required), for a specific project to be undertaken by local agency and described as_____;
Title of project
be it further

5. *Resolved*, That the estimated cost of preparing such plans is_____ ($_____) dollars and that local agency has made provision for paying one-half or more of the cost of preparing such plans; be it further

6. *Resolved*, That for the purposes of this application, _____
Name
_____ _____ be and he hereby is designated as the authorized agent of local
Title Address
agency and is hereby authorized and directed to sign the above-mentioned application on behalf of the local agency and submit the same to the Director of Finance and/or the State Allocation Board together with a certified statement of the estimated cost of preparing such plans and such other information as may be required; and said authorized agent is further authorized and directed as the representative of local agency to conduct all negotiations and conclude all arrangements, including submission to the Director of Finance of applications for reimbursement, which may be necessary to secure reimbursement for the State's share of the expenditures made in preparing said completed plans.

Ch. 47-F-7 For plans only

SAMPLE JOINT RESOLUTION

(For Joint Plan Preparation)

RESOLUTION No._____

1. WHEREAS, The State of California under Chapter 47, Statutes of 1944 (4th Extra Session), has appropriated funds for allotment by the Director of Finance to provide financial assistance to local agencies defined therein as counties, cities or cities and counties for the purpose of defraying not to exceed one-half of the cost of preparing engineering field surveys, engineering or architectural designs, and working and detailed drawings and specifications (hereinafter called "Plans") required for postwar public works project described as "specific projects" in said act; and

2. WHEREAS, Said act provides that allocations thereunder shall be available in cases where one or more local agencies engage jointly in the undertaking of a postwar construction activity, and in cases where a local agency engages in such activity jointly with or through a district or other governmental unit; and

3. WHEREAS, The_____ and_____
Local agency adopting this resolution Local agency
hereinafter referred to as "Local Agencies" have agreed to engage jointly in the undertaking of a postwar construction activity entitled_____under said
Title of project
act and to share the cost of such postwar construction activity on the basis of local agency adopting this resolution bearing_____per cent of such cost and_____
Local agency
bearing_____per cent of such cost; and

4. WHEREAS, The local agency adopting this resolution desires jointly with _____to apply to the Director of Finance and/or the State Allocation Board,
Local agency
as the case may be, for an allotment of the State's share of the estimated cost of preparing the completed plans hereinafter mentioned and there has been prepared and presented to this legislative body for consideration an application for such purpose; and

5. WHEREAS, The local agency adopting this resolution has provided or will make available upon approval of the aforementioned application sufficient funds to pay one-half or more of its share of the cost of preparing the completed plans herein mentioned; which funds together with the amount provided or to be provided by _____for such purpose will equal one-half or more of the cost of preparing
Local agency
the said plan; now, therefore, be it

6. *Resolved*, That the aforementioned local agencies jointly present said application to the Director of Finance and/or the State Allocation Board, as the case may be, requesting an allotment and reimbursement of_____($_____) dollars being not more than one-half of the cost of preparing completed plans required for said postwar construction activity or an allotment of such amount as may be approved by the Director of Finance and/or the State Allocation Board. Be it further

7. *Resolved*, That the estimated cost of preparing such plans is_____ ($_____) dollars and that the local agency adopting this resolution has made provision for paying one-half or more of its proportionate share as herein set forth of the cost of preparing such plans; and be it further

8. *Resolved*, That for the purposes of the aforesaid application_____
Name
_____ _____ be and he hereby is designated as the authorized agent of
Title Address
the herein named local agencies, and he is hereby authorized and directed to sign the above-mentioned application on behalf of said local agencies and present the same to the Director of Finance and/or the State Allocation Board together with a certified statement of the estimated cost of preparing such plans, and such other information as may be required; and such authorized agent is further authorized and directed as the representative of said local agencies to conduct all negotiations and conclude all arrangements, including presentation to the Director of Finance of applications for reimbursement, which may be necessary to secure reimbursement for the State's share of the expenditures made in preparing said completed plans.

STATE OF CALIFORNIA
47-F-8A **DEPARTMENT OF FINANCE**
Local Allocation Division
Room 160, 1020 N Street
SACRAMENTO 14, CALIFORNIA

(FOR STATE'S USE ONLY)	
Request (App.) No.	
Date Rec'd by State	
Allotment No.	
Date of Allotment	

REQUEST FOR ACQUISITION AID FOR RIGHTS-OF-WAY OR SITES FOR A PUBLIC WORKS PROJECT

State Aid to Local Agencies Under Chapter 47, Statutes of 1944 (4th Extra Session)

Request is hereby made in triplicate to the State Allocation Board of the State of California for State aid under the above Act, and rules and regulations prescribed thereunder, for payment to Local Agency of the State's share of the cost of acquiring the herein described right-of-way and/or site for the public works project set forth herein and in exhibits appended hereto. The authorized agent signing this request hereby certifies that the statements set forth herein and on the attached sheets are true to the best of his knowledge and belief. (Prepared in quadruplicate in accordance with revised rules and forms and fourth copy retained.)

Applicant Date

Signature of person designated by resolution as "Authorized Agent"
Signature

Title Mailing address

Local Agency's Resolution No. Dated
(Certified copy attached)

Assignment Resolution(s) (if any) No.(s) Dated
(Certified copy(ies) attached)

1. Brief description of right-of-way and/or site

(See attached exhibits numbered, including (a) Legal description of right-of-way and/or site; (b) Key city or county map showing location, dimensions, and plat upon which each parcel is delineated; (c) List and description of existing improvements.)

2. Necessity and purpose of acquiring this right-of-way and/or site, and explanation of the nature of contemplated developments and improvements

3. Federal, State or local officers and agencies who have reviewed and approved the acquisition and the public works project.

4. Funds or sources from which money is being made available by Local Agency for paying one-half or more of cost of this acquisition

(1) $ (2) $

5. Appraisal services rendered by: i
(Two separate appraisals attached)

ii

Including (a) Assessed values of right-of-way or site covered by this request; (b) Recent sales; (c) Listings; (d) Rentals, etc., of properties contiguous thereto; (e) Appraisers' qualifications and experience.

6. Other rights-of-way or sites considered and reasons for selection made

7. Date acquisition will be completed

8. Cost or Estimated Cost of:

		Amounts anticipated from:	
a. Land only	$	g. Sale of excess land	$
b. Existing improvements	$	h. Salvage from improvements	$
c. Title costs	$	i. Rents	$
d. Relocating improvements (*explain*)	$	j. Total (g + h + i)	$
e. Other direct expense (*explain*)	$	k. Total cost (as item f)	$
f. Total (a to e, inclusive)	$	l. Net cost (k less j)	$

9. Amount of this request (State's share) . . $

10. Summary of Local Agency's postwar construction program attached.

APPROVED FOR $

STATE ALLOCATION BOARD

By
Chairman

Date Approved

47-F-9 A

SAMPLE RESOLUTION

(To Accompany a Request for Acquisition Aid)

NOTE: Strike out inapplicable words included within parentheses

RESOLUTION No._____

1. WHEREAS, The State of California under Chapter 47, Statutes of 1944 (4th Extra Session) has appropriated funds for allotment to provide financial assistance to local agencies defined therein as counties, cities or cities and counties for the purpose of defraying not to exceed one-half the cost of acquiring rights of way or sites for public works projects determined to be desirable in post-war public works programs of such local agencies; and

2. WHEREAS, The_____hereinafter designated as "Local agency," desires
Local Agency
to submit its request for State aid in the acquisition of a right of way or site under said act; and

3. WHEREAS, A request to the State Allocation Board for such aid has been prepared and presented to this legislative body for consideration; and

4. WHEREAS, Local agency has made provisions for paying one-half or more of the cost of such acquisition; now therefore be it

5. *Resolved*, That local agency submit the aforesaid request for acquisition aid to the State Allocation Board for the State's share of the cost of such acquisition; and be it further

6. *Resolved*, That local agency hereby certifies that the total estimated cost to be paid for the acquisition of the right of way or site for which it is requesting aid under said act is $_____; and be it further

7. *Resolved*, That local agency hereby requests the State to pay the State's share of the total cost to be paid for the acquisition for which local agency is requesting aid; be it further

8. *Resolved*, That for the purpose of this request

Name Title Address

be and he hereby is designated as the authorized agent of local agency and is hereby authorized and directed to sign the herein mentioned request on behalf of local agency and to submit the same to the State Allocation Board together with a certified statement of the total cost to be paid for the acquisition of the herein mentioned right of way or site and such other information as may be required; and said authorized agent is further authorized and directed as the representative of local agency to conduct all negotiations and conclude all arrangements, including submission to the Director of Finance of applications for payment, which may be necessary to secure payment of the State's share of the cost of the acquisition of the aforementioned right of way or site.

47-F-11 A

SAMPLE RESOLUTION

(Local Agency's Resolution for Assignment of Allocations)

RESOLUTION No._____

1. WHEREAS, The State of California under Chapter 47, Statutes of 1944 (4th Extra Session), has appropriated funds for allotment to local agencies, defined therein as cities, counties or cities and counties for the purpose of defraying not to exceed one-half of the cost of preparing engineering field surveys, engineering or architectural designs and working and detailed drawings and specifications, and for the purpose of paying one-half or less of the cost of acquisition of right of way and sites, for post-war public works projects in which there is a State interest (as qualified by the act) all as set forth in said act; and

2. WHEREAS, The aforesaid act authorizes a local agency to assign the money allocated to it thereunder, or any portion thereof, to any other local agency, or to any governmental unit or district in this State; and

3. WHEREAS, The_____has had allocated to it
Local agency making assignment
by said act an allocation for_____
Plan preparation. Acquisition of rights of way and sites
which contains a sufficient balance to permit the assignment therefrom of_____
and ___/100 Dollars ($_____) to_____

Another local agency or any governmental unit or legally constituted district of this State
and it is desired to make such assignment; now therefore be it

4. *Resolved*, That_____hereby assigns to
Local agency making assignment

Another local agency or any governmental unit or legally constituted district in this State
from the aforesaid allocation for_____
Plan preparation. Acquisition of rights of way and sites
the sum of_____and ___/100 Dollars ($_____) for (specify whether for the sale use of such assignee or for use by the assignee acting in behalf of any local agency, governmental unit or district or of any combination thereof, including the assigning local agency); such assignment to be for the uses and purposes of the aforesaid act; and be it further

5. *Resolved*, That certified copies of this Resolution shall be filed with the Assignee, the State Controller, the State Director of Finance and the State Allocation Board.

NOTE: Paragraphs 3 and 4 must designate whether the amount is for the purpose of "Plan Preparation" or the "Acquisition of Sites" or both, and shall state the respective amounts assigned.

47-F-17

STATE OF CALIFORNIA
DEPARTMENT OF FINANCE
Local Allocation Division
Room 160, 1020 N Street
Sacramento 14, Calif.

(FOR STATE'S USE ONLY)
Application No. TR_____
Date Rec'd by State_____
Board Resolution No._____

APPLICATION FOR THE USE OF RIGHT OF WAY AND SITES MONEYS FOR THE PREPARATION OF PLANS

State Aid to Local Agencies under Chapter 47, Statutes of 1944 (4th Extra Session)
Amended by Chapter 1455, Statutes of 1945

The within named local agency hereby requests of the State Allocation Board that money heretofore allocated or assigned to local agency for acquisition of rights of way and sites be transferred and allotted to local agency in the amount hereinafter set forth in order that the within named local agency may apply for all or part of said amount to be used for the purpose of preparing surveys, plans and specifications.

Date_____Applicant's reference, if any_____

Applicant _____

Local Agency's Certified Resolution (attached) No._____Dated_____
(Local agency)

AMOUNT REQUESTED $_____

Brief explanation of the necessity of this transfer_____

APPROVED:
STATE ALLOCATION BOARD
By _____
(Chairman)
Date approved by board_____

(Applicant)
By_____

47-F-18

RESOLUTION No._____

FOR TRANSFER OF RIGHT OF WAY OR SITES MONEY TO PLANS PREPARATION ALLOCATIONS

1. WHEREAS, The State of California under Chapter 47, Statutes of 1944 (4th Extra Session), appropriated funds for allotment to local agencies, defined therein as cities, cities and counties, or counties, for the purpose of aiding in the acquisition of rights of way and sites for certain postwar public works projects in which there is a State interest, all as set forth in said act; and

2. WHEREAS, Chapter 1455, Statutes of 1945, which amends the aforesaid act, authorizes a local agency to use moneys allocated to such local agency, under said act, for acquisition of rights of way and sites, to be transferred and used in preparing surveys, plans and specifications for a specific project; and

3. WHEREAS, _____, hereinafter
(Local agency)
called "Local agency," has had allocated to it by said act an allocation for the acquisition of rights of way or sites which allocation contains a sufficient balance to permit local agency to apply to the State Allocation Board under the aforesaid act, as amended, for the transfer therefrom of the sum hereinafter mentioned to be added to the amount allocated or assigned to local agency for the preparation of surveys, plans and specifications for a specific project as set forth in said act; and

4. WHEREAS, An application for such transfer has been submitted to this governing body for consideration; now, therefore, be it

5. *Resolved*, That local agency herein named applies to the State Allocation Board pursuant to the provisions of Chapter 47, Statutes of 1944 (4th Extra Session) as amended by Chapter 1455, Statutes of 1945, for the transfer of the sum of_____ dollars ($_____) from local agency's allocation for acquisition of rights of way or sites, to be added to the amount allocated or assigned to local agency under said act for the preparation of surveys, plans and specifications for a specific project; and be it further

6. *Resolved*, That_____
(Insert name and title)
is hereby authorized and directed to sign said application on behalf of local agency and transmit the same to the State Allocation Board and that three certified copies be forwarded to said State Allocation Board.

CHAPTER 3. DEPARTMENT OF FINANCE

SUBCHAPTER 1. BUDGETS AND ACCOUNTS DIVISION (No rules filed)
SUBCHAPTER 2. BUILDINGS AND GROUNDS DIVISION
SUBCHAPTER 3. FAIRS AND EXPOSITIONS DIVISION *
SUBCHAPTER 4. LOCAL ALLOCATION DIVISION
Group 1. State Allocation Board
Subgroup 1. Plans and Site Acquisition
Subgroup 2. Construction and Employment
Subgroup 3. State School Building Aid
SUBCHAPTER 5. PRINTING DIVISION (No rules filed)
SUBCHAPTER 6. PUBLIC WORKS AND ACQUISITION DIVISION (No rules filed)
SUBCHAPTER 7. PURCHASING DIVISION (No rules filed)

SUBCHAPTER 2. BUILDINGS AND GROUNDS DIVISION

Article 1. General

1201. Definitions. As used in this article:

(a) "Department" means the Department of Finance of the State of California.

(b) "Director" means the Director of Finance.

(c) "State Buildings and Grounds" and "State Buildings or Grounds" are synonymous with "State Capitol Buildings and Grounds" and with "Capitol Buildings and Grounds" and include all property owned, leased, rented, controlled, used, or occupied by any Department or part thereof of the government of the State of California.

(d) "Shall" is mandatory and "may" is permissive.

(e) "Park" is synonymous with "State Capitol Park" or "State Capitol Grounds" and includes the area located in the blocks bounded by 9th and 10th, L and N Streets and 10th and 15th, L and N Streets, in the City of Sacramento, State of California.

(f) "Vehicle" means a device in, upon, or by which any person or property is or may be propelled, moved or drawn.

(g) "Commercial Vehicle" means a vehicle of a type used or maintained for the transportation of persons for hire, compensation or profit or designed, used or maintained primarily for the transportation of property.

NOTE.—§§ 1201 to 1213, inclusive, issued under the authority contained in Section 13160, Government Code. Source of §§ 1201 to 1213, inclusive, is the Rules and Regulations of the Department of Finance.

1202. Rules and Regulations for the Government of State Police. The Chief of State Police may with the approval of the Director establish such rules and regulations for the government of State Police as are necessary to properly execute the duties and functions of his office consistent with accepted police methods, procedures and administrative policies connected therewith.*†

*† For statutory and source citations, see note to §1201.
* In this Division, Postwar Public Works Review Board is being administered as Plans and Site Acquisition, and State Allocation Board is being administered as Construction and Employment.

1203. Lingering or Loitering After Order to Leave. No person shall linger or loiter or remain in or upon any of the state buildings or grounds after having been ordered or directed by the Chief of the Buildings and Grounds Division or by the Chief of State Police or any state policeman or state police officer to leave such buildings or grounds.*†

1204. Obstructions. No person shall, or shall attempt to build, construct, set up, place or maintain, in or upon any of the state buildings or grounds, any tent, platform, booth, building or other structure, without first having the written permission of the Director or the Chief of the Buildings and Grounds Division, so to do.*†

1205. Parking on State Capitol Grounds. (a) No person shall stop, park or leave standing any vehicle on the State Capitol Grounds located in the blocks bounded by 9th and 10th, L and N Streets and 10th and 15th, L and N Streets, in the City of Sacramento, State of California, except (1) members of the State Legislatures; (2) the operator of any vehicle which vehicle displays in plain view while so stopped, parked or left standing on said grounds a valid parking permit issued by the Chief of the State Police under the authority and direction of the Director; (3) persons stopping or parking a vehicle when necessary to avoid conflict with other traffic or in compliance with a traffic control signal device or the direction of the state police or a state police officer in the control of traffic; (4) persons, not employed by the State in the state buildings, visiting state agencies located within the park area for the purpose of transacting state business with such agencies; (5) persons stopping or parking a vehicle temporarily in areas designated by the Chief of State Police for the purpose of loading or unloading merchandise or picking up or discharging passengers; (6) persons temporarily stopping, parking, or leaving a vehicle where such vehicle is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle on said grounds. The foregoing provisions shall not apply on Sundays and holidays or between the hours of 6 o'clock p.m. on one day and 6 o'clock a.m. on the following day except when during such times it is necessary to reserve parking space for legislative sessions or for groups meeting in buildings located within the park area.

(b) Unless otherwise directed by the Chief of the State Police or by a state policeman or state police officer, no person shall stop, park or leave standing any vehicle on said State Capitol Grounds unless such vehicle is parked, stopped or left standing in areas designated for parking and in conformance with such signs as may be posted on said grounds from time to time.

(c) Parking permits shall be issued by the Chief of State Police under the authority of and under such conditions as may be prescribed by the Director. Said parking permits shall be subject to revocation or suspension at any time. Unless sooner revoked or suspended, such permits shall expire at the end of the calendar year in which issued.

(d) No person shall stop, park or leave standing any vehicle on the State Reclamation Board parking area located on the North 101 feet of Lot No. 1 in the block bounded by N and O, 11th and 12th Streets in the

*† For statutory and source citations, see note to §1201.

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- Absence without leave ---- 196
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- Adjustments in ---- 144, 310 (b)
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- Deduction of pay from outside sources ---- 143 (d)
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- Duration employee ---- 310
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- Form for reporting ---- 249 (d)
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- Forms for reporting ---- 249 (g), (h)
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Cross Reference Table No. 1—Continued

Origin of California Administrative Code

California Administrative Code,	*Origin, State Personnel Board Rules and Regulations,*		*California Administrative Code,*	*Origin, State Personnel Board Rules and Regulations,*	
	Edition, September 1, 1943			*Edition, September 1, 1943*	
Section	*Rule*	*Section*	*Section*	*Rule*	*Section*
214	16	14	266	23	3
220	17	1	273	24	1
221	17	2	274	24	2
222	17	3	275	24	3
228	18	1	276	24	4
234	19	1	282	25	1
235	19	2	283	25	2
236	19	3	284	25	3
237	19	4	306	26	1
243	20	1	307	26	2
249	21	1	308	26	3
255	22	1	309	26	4
256	22	2	310	26	5
257	22	3	315	27	1
258	22	4	316	27	2
264	23	1	317	27	3
265	23	2			

Cross Reference Table No. 2

Disposition of former sections of the said Rules and Regulations in the California Administrative Code.

State Personnel Board Rules and Regulations		*California Administrative Code*	*State Personnel Board Rules and Regulations*		*California Administrative Code*
Edition September 1, 1943			*Edition September 1, 1943*		
Rule	*Section*	*Section*	*Rule*	*Section*	*Section*
1		1	10	2	128
3	1	30	10	3	129
3	2	31	10	4	130
3	4	33	11	5	135
3	5	34	11	6	136
4	1	40	11	7	137
4	2	41	12	1	142
4	3	42	12	2	143
4	4	44	12	3	144
4	5	45	12	4	145
4	5a	46	13	1	151
4	6	47	13	2	152
4	7	48	13	3	153
4	8	49	13	4	154
4	9	50	13	5	155
4	10	51	14	1	161
4	11	52	14	2	162
4	12	53	14	3	163
4	13	54	14	4	164
4	14	55	14	5	165
5	1	60	14	6	166
5	2	61	14	7	167
5	3	62	14a		191
5	3a	63	15	1	196
5	4	64	16	1	202
5	5	65	16	2	203
5	6	66	16	3	204
5	6a	67	16	4	205
5	7	68	16	5	206
5	8	69	16	6	207
6	1	75	16	7	208
6	2	76	16	8	209
6	3	77	16	9	210
6	4	78	16	10	211
6	5	79	16	11	212
6	6	80	16	13	213
6	7	81	16	14	214
7	1	86	17	1	220
7	2	87	17	2	221
7	3	88	17	3	222
7	5	89	18	1	228
8	1	111	19	1	234
8	2	112	19	2	235
8	3	113	19	3	236
8	4	114	19	4	237
9	1	120	20	1	243
9	2	121	21	1	249
9	3	122	22	1	255
9	4	123	22	2	256
10	1	127	22	3	257
			22	4	258

(d) The provisions of this rule do not apply to positions allocated to classes in group 4 and nothing in this rule shall be construed to prevent a State agency from allowing compensating time off to employees in such classes when they are required to work in excess of the normal work week established by the employing agency for employees in this group. (Amended 11-24-44) (Effective 9-15-45)*†

(e) (Deleted September 8, 1945).

(f) (Deleted September 8, 1945).

316. Authorization for overtime work. (a) All required overtime work, except that of Saturday forenoon skeleton crews, must be authorized and ordered in writing in advance by the appointing power or his designated representatives. In emergencies where such prior written authorization can not be issued, such overtime work to be compensated for must be authorized in writing within ten days of the date worked. Each State agency shall maintain complete and accurate records of all authorized overtime worked by its employees. (Amended December 9, 1943)

(b) The smallest unit of time credited as overtime shall be one-half hour.

(c) Employees may, in the discretion of the appointing power, be compensated for overtime work either by compensating time off or by payment based on the employee's regular rate of pay. If an employee is to be compensated by time off, such time off must be taken within six calendar months following the month in which the overtime was worked and must be authorized by the appointing power or his designated representative. (Effective September 15, 1945)

(d) The time when compensating time off may be taken shall be at the discretion of the appointing power. If the agency designates the day or days when an employee is to take time off and the employee fails to take his compensating time off at the time designated by the appointing power, he shall be deemed to have waived his right to compensation for such overtime. If an employee is ordered to work overtime and does so work but is not allowed compensating time off within six calendar months following the month in which the overtime was worked, he shall be paid for such overtime on the next pay roll. (Effective 9-15-45)

(e) If an employee is to be paid for his overtime work, a statement shall be included on the pay roll showing the calendar days and number of hours worked each day. The rate of pay shall be the hourly equivalent of the employee's monthly salary as of the date worked, which shall be arrived at by dividing the monthly salary (including any emergency adjustment) by 168 for 40-hour employees, 185 for 44-hour employees, and 201 for 48-hour employees. (Effective 9-15-45)*†

317. Transfers and separations. (a) When an employee transfers to or is appointed in another State agency he shall be compensated for all overtime to his credit as of the date of the transfer or appoint-

*† For statutory and source citations, see note to §1.

ment by the agency in which he has been working unless the other agency shall agree to assume the liability for any balance due.

(b) When an employee is separated from the State service, he shall be compensated in a lump sum for all overtime to his credit at the time of separation.*†

*† For statutory and source citations, see note to §1.

Cross-Reference Table No. 2

Rules prior to revision on April 11, 1947	*Present rules*
1	1, 2, 4
20	21
21	Rescinded
30	174
31	172
33	174
34	174
40	171
41	171
42	173
44	175
45	Rescinded
46	193 to 202
47	232 to 239
48	176 to 180
48 (e) (2d par.)	Rescinded
49	185, 205
50	206 ; 241
51	207
52	208
53	209
54	190
55	186 to 189
60	210
61	Rescinded
62	Rescinded
63	Rescinded
64	151
65	Rescinded
66	Rescinded
67	152
68 (1st par.)	Rescinded
68 (2d par.)	240
69	153
75	251
76	253, 254
77	255
78	252
79	256
80	257
81	242
86	258, 259
87	260
88	261, 262
89	153
111	Rescinded
112	263
113	Rescinded
114 (1st par.)	Rescinded
114 (2d par.)	301
120	321 to 325
121	326
122	151, 152, 281
123	326, 327
127	323, 341 to 342 ; 344 to 345

Rules prior to revision on April 11, 1947	*Present rules*
128	Rescinded
129	Rescinded
130	346
135	Rescinded
136	Rescinded
137	313
142	91
143	92 to 97
144	98 to 110
144 (pars. (a) (h)	Rescinded
145	111
151	381 to 382
151 (2d and 3d sent.)	Rescinded
152	383
153	384
154	Rescinded
155	385
161	361 to 364
162	365
163	365
164	366
165	367
166	369
167	368
191	401 to 409
196	Rescinded
202	Rescinded
203	Rescinded
204	Rescinded
205	Rescinded
206	451
207	Rescinded
208	Rescinded
209	Rescinded
210	Rescinded
211	452
212	453
213	454
214	455
220	445
221	311
222	Rescinded
228	425
234	Rescinded
235	Rescinded
236	73
237	211
243	Rescinded
249	24
255	36
256	Rescinded
257	Rescinded

Cross-Reference Table No. 2—Continued

Rules prior to revision on April 11, 1947	*Present rules*
258	Rescinded
264	63, 67
265	68
266	51
273	Rescinded
274	31
275	32
276	33
282	34
283	34
284	35
306 to 310	Rescinded
315(a)-(c)	Rescinded
315(d)	137
316	131 to 135
317(a)	136
317(b)	Rescinded

quotient thus obtained will be the average percentage for the examination.

206. Minimum Rating Required. Competitors shall be required to attain a score of not less than 70 per cent in each part of the examination and a general average score of not less than 70 per cent in order to qualify in an examination; except that, in a promotional examination, it is within the discretion of the Executive Officer to require a higher general minimum average, which minimum shall in no case exceed 85 per cent. In written tests, the 70 per cent used to represent the minimum score need not be the arithmetic 70 per cent of the total possible score but may be an adjusted score based on a consideration of the difficulty of the test, the quality of the competition, and the needs of the service. Any such adjusted score shall be established before the identification of the competitors' examination papers.

207. Qualifying for Lower Class. When an examination is held for any given class and if there is also being held an examination for a lower class in the same series, it shall be within the discretion of the Executive Officer to pass a competitor for a place on the eligible list for the lower class if the competitor attains a passing score for the examination for the lower class but does not receive a passing score in the examination in which he is competing.

208. Medical or Physical Requirements.

History: 1. Originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Repealer filed 12-23-47 (Register 10, No. 8).

209. Notice of Examination Result. As soon as the scoring of an examination has been completed and the eligible list established, each competitor shall be notified by mail of the results of this examination and, if successful, of his general average percentage and his relative position upon the resulting employment list.

210. Establishing List in Case of Tie. Two or more competitors receiving the same percentage rating in an examination shall be placed on the resulting list according to their respective percentage ratings attained in the chief essential of the examination; except that, if one of such competitors is a veteran, he shall be given the preference.

211. Eligibility. If an employee is dismissed from state employment after the filing of charges against him as provided by Section 19574 of the Act, he shall not thereafter be permitted to take any state civil service examination or be certified to any position in the state service without the consent of the Board. In all other cases, the Executive Officer shall determine whether to refuse to examine or, after examination, to declare or certify as eligible anyone for any of the reasons set forth in Section 18935 of the Act.

Article 9. Promotion

For the general statutory provisions on this subject, refer to Section 18950 of the Act and sections following.

231. General Reference. Promotional examinations are governed by the rules of this article and such rules in Article 8 as are applicable.

232. Examinations. Whenever the Executive Officer determines that the needs of the service require, he may announce and hold promotional examinations for state agencies or for designated geographical, organizational, or functional subdivisions thereof.

233. Eligibility. Promotional examinations shall be limited to such employees in the agency concerned, or designated subdivisions thereof, who are designated by these rules as eligible to participate in such examinations.

234. Permanent Employees. An employee may participate in a promotional examination if he holds a position with permanent civil service status in a class designated by the Executive Officer as appropriate for the examination.

235. Other Employees. An employee may participate in a promotional examination if he holds a position under limited term, probationary, or temporary appointment or if he holds a position under exempt appointment with the right to return to his former position. Immediately preceding his appointment, the limited term, probationary, temporary, or exempt employee must have had permanent civil service status in a class designated by the Executive Officer as appropriate for the examination.

236. Probationers. An employee may participate in a promotional examination if he has returned from military leave and is serving a probationary period that he might have completed prior to the date of the examination had he not entered the military service. If successful in the examination, he shall not be eligible for certification from the resulting promotional eligible list until he has actually completed his probationary period.

237. Qualifications. No employee may participate in a promotional examination unless he has the minimum education and experience qualifications and any license, certificate, or other evidence of fitness prescribed for the class for which the examination is given.

238. Performance Report. To be eligible to participate in a promotional examination, a score of at least 85 per cent is required for the employee's last report of performance due prior to the date of the examination.

239. Competing Promotionally in Open Examinations. Whenever an open examination is held, the Executive Officer may permit qualified employees in specified state agencies or subdivisions thereof to compete in the examination on a promotional basis.

240. Resignation of Promotional Eligible. An employee who resigns from the state civil service shall be considered as having relinquished his right to promotion. If his name appears on any promotional eligible list, it shall be removed therefrom. If he is then competing in a promotional examination, his name shall not be placed on the resulting promotional eligible list. In the discretion of the Executive Officer, such employee's name may, if the employee so requests in writing, be placed upon the existing open eligible list for the same class in accordance with the percentage rating attained in the promotional examination upon which his eligibility is based.

241. Lists Not Limited. In a promotional examination, the resulting list shall not be limited.

242. Certification to Limited Term Positions. The names of employees on promotional eligible lists who are in the military service shall not be included in certifications to fill limited term positions.

Article 10. Appointments

For the general statutory provisions on this subject, refer to Section 19050 of the Act and sections following.

251. Request for Certification. Whenever a vacancy is to be filled under Section 19052 of the act, the appointing power shall make written request for certification. Such request shall contain the statements required by the act and shall include a statement of the salary, tenure, and location of the position. Certification shall be made by the Executive Officer.

252. To Fill New Positions. Whenever a new position is created, the appointing power shall notify the Executive Officer of the proposed new position and, at the same time, furnish a detailed statement of the duties and requirements of the proposed position.

253. Certification to 60-Day Position. Where the employment is for a period of 60 days or less, only the names of those eligibles who live in the vicinity of the employment may be certified.

254. Multiple Certifications. If an appointing power has at the same time more than one vacancy in the same class, there shall, if possible, be certified as many names as there are vacancies and two names in addition thereto. The appointing power shall fill the first vacancy by the selection of one of the highest three eligibles so certified. Every succeeding vacancy shall be filled in like manner by selection in turn from the highest three remaining names.

255. Certification in Case of Waiver. Whenever an eligible has been certified to the appointing power and such eligible waives appointment, the Executive Officer shall forthwith certify the next highest eligible, who shall have the same standing as though originally certified.

256. Certification to Laborers' Positions. Certification to laborers' positions shall be made from the employment list for the locality in which the employment exists. However, when an employment list for such

locality is exhausted, certification may be made from the list for any other locality.

257. Cancellation of Request for Certification. When a request for certification has been filed with the Executive Officer and certification has been issued by him, the appointing power may not withdraw or cancel the request for certification unless the Executive Officer is convinced that there are good and sufficient reasons for so doing.

258. Reply to Notice of Certification. It shall be the duty of every eligible to respond within a reasonable time after notice of certification. When the eligible resides in the city from which the notice has been mailed, three days after the date the notice is mailed shall be deemed a reasonable time in which to respond. When the eligible resides outside such city, a reasonable time in which to respond shall be three days plus the normal time required for the communication to be transmitted by mail to the eligible's place of residence and for his answer to be returned by mail.

259. Failure to Respond to Telegram. In the event an eligible is notified by telegram of his certification, he shall present himself before the appointing power for interview or reach the appointing power with some form of communication within 48 hours after the sending of the telegram.

History: 1. Sections 259 and 260 originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Amendment filed 12-23-47 (Register 10, No. 8).

260. Failure to Respond to Notices. When the Board, Executive Officer, or a state agency transmits to an eligible a notice of certification or any other communication requiring an answer, failure of the eligible's response to be received within the time provided by Rule 258 or 259 will result in the placing of his name on the inactive list for the class concerned and, in the case of certification, is a waiver thereof.

261. Waiver of Certification. The Executive Officer shall ascertain from each eligible the salary, tenure, location, and other pertinent conditions of employment under which the eligible will accept appointment. Such statement of acceptable conditions of employment shall constitute an automatic waiver of certification to positions having other conditions of employment. The conditions of employment acceptable to an eligible may at any time be changed at his written request; but, in such event, he shall not be entitled to consideration for appointment to any position for which certification has already been forwarded to the appointing power.

262. Waiver of Appointment. After three waivers of appointment to positions in any given class, the eligible's name shall be placed on the inactive list for that class.

History: 1. Originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Amendment filed 12-23-47 (Register 10, No. 8).

263. Report of Appointment. The appointing power shall immediately report each appointment to the Executive Officer.

264. Certification From Comparable List. If an employment list is not available for the class to which a position belongs, the Executive Officer may authorize certification from an eligible list or lists for an appropriate class of the same or a higher level.

NOTE—§264 issued under the authority contained in Section 19055, Government Code.

History: 1. New section filed 12-23-47 (Register 10, No. 8).

Article 11. Limited Term Appointments

For the general statutory provisions on this subject, refer to Section 19080 of the Act and section following.

281. Duration of Position. No limited term employee may be retained in his position beyond one day less than the probationary period. No time served in any such limited term employment may count toward acquiring permanent status in any position.

282. Termination. A limited term employee may be separated by the appointing power at any time prior to the expiration of the term for which appointed by giving him, on or before the date of separation, written notice setting forth the reasons therefor; provided, however, a limited term employee may not be separated by action of the appointing power, except for cause, if temporary or emergency employees remain employed in the same class and the same layoff subdivision. Within 30 days after the effective date of such separation, a copy of the notice shall be sent with the report of separation to the Executive Officer. The employee has no appeal from the action of the appointing power in terminating his limited term employment except on the grounds that temporary or emergency employees remain employed in violation of this rule.

The Executive Officer shall not again certify for limited term employment in the same class the name of a person who has been separated for cause unless, after investigation, he determines that the reason for separation should not bar the person from such further employment.

History: 1. New section filed 1-13-48 (Register 11, No. 2).

Article 12. Emergency Appointments

For the general statutory provisions on this subject, refer to Section 19120 of the Act and sections following.

301. Procedure. When emergency appointments are made under Section 19120 of the act, the appointing power shall immediately notify the Executive Officer of the name of the appointee and the duties of the position, the nature of the emergency, and such further data as may be required by the Executive Officer. No authority exists in the appointing power to make an emergency appointment continuous.

Article 13. Reinstatement

For the general statutory provisions on this subject, refer to Section 11940 of the Act and sections following.

311. After Resignation. The Executive Officer may approve any reinstatement authorized by the act or these rules.

313. Demoted Employee. An employee who has accepted voluntary demotion shall have the same status as a resigned employee with reference to reinstatement to a position in the same or a comparable class from which he accepted demotion.

Article 14. Probationary Period

For the general statutory provisions on this subject, refer to Section 19170 of the Act and sections following.

321. Probationary Periods Established.

History: 1. Originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Repealer filed 12-23-47 (Register 10, No. 8).

322. Intermittent Employment. In the case of permanent employment on an intermittent basis, the probationary period shall be deemed completed if the employee works 20 days for each month of probation required regardless of the number of calendar months over which such work extends.

323. Reports on Probationers. A report of the probationer's performance shall be made to the Executive Officer within 10 days after the end of each one-third portion of the probationary period. If the employee is rejected during the probationary period, no report shall be filed for the period between the date of his last report, if any, and the date of his rejection. This rule shall be construed to be directory.

324. Duty to Reject Probationer. If the conduct, capacity, moral responsibility, or integrity of the probationer is found to be unsatisfactory, it shall be the duty of the appointing power to reject him from the position.

325. Duty to Report Delinquencies. If, during the probationary period of any state employee, there is presented to the Executive Officer evidence that convinces him that the moral conduct, character, or integrity of the employee is unsatisfactory, the Executive Officer shall present such evidence to the appointing power.

326. Restoration to Eligible List. If investigation convinces the Executive Officer that the probationer's name should be restored to the eligible list under Section 19175(a) of the Act, the name of a rejected probationer may be restored to the eligible list from which the probationer was certified if such list is still in existence. Any such request by a rejected probationer must be filed with the Board within 30 days after service upon the probationer of the written notice of his rejection. If the probationer's name is restored to such eligible list, it shall be placed thereon in accordance with the probationer's score in the examination from which such list resulted.

327. Appeals From Rejection. A probationer who is rejected during his probationary period may file an appeal with the Board requesting that he be restored to his position as provided by Section 19175(b) of the Act. Such appeal must be filed within 30 days after written notice of rejection is served on the probationer. If the Board grants the appeal, it may restore the rejected probationer to his position

or may restore his name to the eligible list under the conditions specified in Rule 326.

Article 15. Performance Reports

For the general statutory provisions on this subject, refer to Section 19300 of the Act and sections following.

341. Annual Reports. The performance reports required by the act shall be filed with the Executive Officer. Such reports shall ordinarily cover the period of one year. The Executive Officer shall prescribe the months which shall constitute the reporting period for each state agency and the respective dates on which the reports from the various agencies shall be filed with him.

342. Semiannual Reports. If, since his last report was filed, there has been a change in an employee's performance which it is believed would affect his tenure or his promotional or salary adjustment rights, the appointing power or the employee may request the Executive Officer to accept a report of performance for the six months' period immediately following the period covered by the employee's last report. Such request shall be filed with the Executive Officer within 30 days after the end of the period covered by the report; and the Executive Officer may allow such report to be filed if, in his judgment, it is equitable to do so.

344. Preparation and Scoring. Performance reports shall be prepared by the immediate supervisor of the employees concerned or by such other persons as the Board or the Executive Officer may designate. Performance reports shall be scored in such manner as may be designated by the Board or Executive Officer.

345. Notice to Employee. Each employee shall be shown the performance report covering his own service and is privileged to discuss it with the appointing power before it is filed. The appointing power shall give each employee a copy of his report of performance at the time the original report is presented for the signature of the employee.

346. Appeals. An appeal from a performance report may be filed with the Board within 60 days after the date the performance report is signed by the employee or a copy thereof is served on the employee, whichever period expires first. If the report is served on the employee, an affidavit of service or mailing shall be filed with the Board. Such an appeal should clearly specify the particular report of performance and the particular items of said report which are the subject of the appeal.

Article 16. Absences

For the general statutory provisions on this subject, refer to Section 19330 of the Act and the sections following.

361. Leave of Absence. A leave of absence without pay may be granted to a permanent civil service employee; to a probationer who, immediately preceding his appointment to his position, held permanent civil service status in some other class; or to a probationer who was prevented from completing his probationary period because of his entry into

the military service of the United States. In any event, a leave of absence may be granted only to an employee who desires to return therefrom to the state civil service and who, at the time the leave is granted, has a satisfactory service record.

362. Length. A leave of absence without pay shall not exceed one year except in case of a leave to enter the military service of the United States or a leave granted under Section 19393 or Section 19393.5 of the Act.

363. Reason. A leave of absence without pay will be granted only to an employee who desires to attend school or college or to enter training to improve the quality of his service, who enters the military service of the United States, who is temporarily incapacitated by illness, who is loaned to another governmental agency for the performance of a specific assignment, who accepts employment in civilian war work, or who presents some other reason equally satisfactory. A leave of absence shall not be granted to an employee who is accepting some other position in the state service or who is leaving the state service to enter other employment, except as hereinabove provided.

364. Termination. A leave of absence is terminated by: (a) expiration of the term thereof; (b) the sooner revocation thereof by the appointing power with the approval of the Executive Officer or by the Executive Officer with the approval of the appointing power and by receipt by the employee of written notice of such revocation at least 15 days prior to the effective date of the revocation; or (c) the sooner cancellation thereof by the employee with the approval of the appointing power.

365. Procedure. An employee shall not be entitled to a leave of absence as a matter of right. Upon receipt of a request for leave of absence signed by the employee and stating with particularity the reason for the leave, the appointing power may in his discretion either approve or disapprove the request. The request for leave of absence, if approved in writing by the appointing power, shall be submitted to the Executive Officer for approval prior to the date on which the leave is to be effective. The Executive Officer shall approve the request if he finds that it complies with the law and rules relating thereto.

366. Filling Vacancy.

History: 1. Originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Repealer filed 12-23-47 (Register 10, No. 8).

367. Reinstatement. A report of the reinstatement of an employee upon his return from his leave of absence shall be made immediately by the appointing power to the Executive Officer. At the same time, the appointing power shall file with the Board a notice of the separation of the employee who filled the position during the absence of the employee on leave.

368. Fifteen-Day Leave. For a period not exceeding 15 calendar days, the appointing power may grant a leave of absence without pay without securing the approval of the Executive Officer or the Board.

Article 7. Employment Lists

For the general statutory provisions on this subject, refer to Section 18900 of the Act and sections following.

151. Eligibility After Appointment. When an eligible receives a limited term appointment, his name shall be continued on the employment list for permanent certification. When an eligible receives a permanent appointment, his name shall be removed from the employment list.

152. Preferred Limited Term List. A preferred limited term list may be established for any class, containing the names of limited term employees who have served satisfactorily in positions recurring seasonally in a given state agency and who have been recommended by the appointing power for inclusion on such list. Such preferred limited term list shall be established to correspond to the same geographical, organizational, or functional subdivisions of state agencies as may be observed in establishing the departmental reemployment lists for the same class. Names shall be included on the preferred limited term list in the relative order of the original examination ratings of the eligibles. In filling limited term vacancies in a given state agency, the preferred limited term list for that agency shall be given preference over the eligible list but not over any other employment list. The name of any eligible included on the preferred limited term list may be continued on such list after the abolishment of the eligible list from which the eligible was originally certified; but under no circumstances and at no time shall any person be certified from the preferred limited term list to a permanent position or be permitted to acquire permanent status as a result of certification and appointment from any such list.

153. Inactive Lists. For every employment list, an inactive list shall be established by the Executive Officer. If a person's name is placed on an inactive list at his request, it may, upon his written request and in the discretion of the Executive Officer, be restored to the employment list from which it was removed. If a person's name is placed on an inactive list without his request, it will be restored to the employment list from which it was removed only if the board or the Executive Officer finds that there is good cause therefor. In any case, the person's name may be restored only if the employment list from which it was removed is still in existence; and the name shall be restored to such employment list according to the person's earned rating in the examination or combined score for efficiency and seniority, as the case may be.

Article 8. Examinations

For the general statutory provisions on this subject, refer to Section 18930 of the Act and sections following.

171. Announcement. Examinations shall be held at such times and places as the Executive Officer may determine. The Executive Officer shall direct the preparation of every examination and the publication of an announcement thereof. Each announcement shall state the duties and salary range of the class; the method of evaluating the education,

experience, and personal qualifications of the competitors; such information as is required by the act and these rules; and such additional information as the Executive Officer may deem proper.

History: 1. Originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Amendment filed 12-23-47 (Register 10, No. 8).

172. Qualifications. Applicants for permanent state civil service employment must be citizens of the United States. Every applicant must be of good moral character, of temperate habits, and in all respects physically competent to perform the duties of any position in the class for which the examination is to be held. Applicants must be residents of the State of California for at least one year prior to the date of the examination; but, upon the recommendation of the appointing power, the Board may waive the residence requirement.

173. Fee. There shall be no examination fee except for such medical or physical examination as may be required.

174. Applications. All applications must be filed at the place, within the time, in the manner, and on the form specified in the examination announcement. A separate application shall be filed for each examination unless otherwise specified in the examination announcement. Applications shall remain on file in the office of the Board for at least one year and thereafter until ordered destroyed by the Executive Officer. Under no circumstances will applications or examinations be returned to applicants. The names of applicants shall not be made public.

175. Authorization to Take Examination. Each applicant shall be notified of the approval or disapproval of his application. The applicant's authorization to take the examination shall be in such form as may be prescribed by the Executive Officer.

176. Questions Approved and Sealed. All examination questions shall be approved by the Executive Officer in advance of the examination. In transmitting material containing examination questions, each package thereof shall be securely sealed with the official seal of the Board. The seal shall not be broken until the beginning of the examination and then only in the presence of all the competitors and by the authorized agent of the Executive Officer.

177. Explanations. All necessary explanations will be made to the whole group taking the written examination and no question will be explained to any individual competitor. Examiners shall not make any comment that may assist any competitor to answer any question.

178. Prohibited Acts. Communication between competitors during examination is strictly forbidden; and competitors are forbidden to receive any unauthorized assistance in the examination. Before the commencement of an examination, competitors will be required to hand to

525. Examination for Hat Renovator Owner or Hat Renovator Manager Registration Certificate. (a) The written examination for an operator's registration certificate of the hat renovator owner or hat renovator manager class shall consist of a test requiring the applicant to demonstrate his knowledge of the following subjects:

(1) Hat renovating, including various materials used therein.

(2) Health and safety regulations relating to a cleaning shop or store and a spotting, sponging, or pressing establishment.

(3) Chapter 18, Division 3 of the code.

(b) Each of the subjects listed in subsection (a) hereof shall represent twenty (20) points.

(c) In addition to the written examination for an operator's registration certificate of the hat renovator owner or hat renovator manager class, a manual examination shall be given consisting of a test requiring the applicant to demonstrate his ability to clean and block hats.

(d) The manual test in subsection (c) hereof shall represent forty (40) points.

(e) A combined grade of seventy (70) points shall be a passing grade in both the written and manual examinations. (Filed 11-26-46; effective 11-26-46.) (§§500 to 524, inclusive, filed 8-20-46)

526. Examination for Fur Renovator Owner or Fur Renovator Manager Registration Certificate. (a) The written examination for an operator's registration certificate of the fur renovator owner or fur renovator manager class shall consist of a test requiring the applicant to demonstrate his knowledge of the following subjects:

(1) Fur material

(2) Cleaning and finishing

(3) Health and Safety laws and regulations relating to a cleaning shop or store and a spotting, sponging, or pressing establishment.

(4) Chapter 18, Division 3 of the Code.

(b) Each of the subjects numbered one (1), three (3) and four (4) in subsection (a) hereof shall represent twenty (20) points.

(c) Subject number two (2) in subsection (a) hereof shall represent forty (40) points.

(d) A total of seventy (70) points shall be a passing grade in the examination. (Filed 3-24-47; effective 3-24-47)

144. Size Limit of Pacific Mackerel, Jack Mackerel, and Sardines. For the period commencing December 1, 1947, and ending July 31, 1948, no fisherman operating under a commercial fishing license shall take or deliver to any reduction plant, packer or any other person in the State of California a load of fish which contains 25 percent or more by number of Pacific mackerel under eleven inches in greatest length or which contains 25 percent or more by number of Jack mackerel also called horse mackerel under eight inches in greatest length or which contains 25 percent or more by number of sardines under seven inches in greatest length, or any combination of the above three species in the aggregate in which the undersized fish number more than 25 percent by number; and no person shall receive a load of fish which contains 25 percent or more by number of the aforesaid species of less than the aforesaid sizes.

(Sections 1060 to 1077, Fish and Game Code)

[Regulation of Fish and Game Commission, 11-24-47]

History: 1. New section filed 12-2-47, as an emergency (Register 10, No. 5).

155. Rules and Regulations Regarding the Granting and Issuance of Permits to Take and Use Sardines by a Reduction Process During the 1947-48 and Subsequent Sardine Seasons.

(a) The total tonnage to be used for reduction of whole sardines shall be announced by the Commission on or before May 15 of each calendar year. The tonnage shall be equally divided among all permittees, No additional tonnage shall be granted during the course of a season beyond the the total so announced.

(b) Subject to Rule (g) each applicant who applied for a permit for the 1946-1947 season and whose application was mailed to the Commission prior to midnight, May 15, 1946, will be granted a permit for such plant which will be valid for the 1947-1948 season.

(c) No other permits will be granted unless the applicant appears before the Commission and satisfactorily establishes the fact that granting such a permit would promote the economic utilization of the fish resources of the State in the public interest. No permit granted under this paragraph after May 15 of any year will be issued until the beginning of the season following the succeeding May 15.

(d) If at least 5 per cent of the tonnage allotted to a plant under the permit is not used in a season, the permit will be forfeited and the holder thereof will have to make a new application and establish the need for such a permit as provided in Paragraph (c). Paragraph (d) will not apply if processing is prevented because of conditions of fish supply, or other acts of God, or any condition beyond the control of the operator.

(e) Transfer of permits between plants shall not be permitted.

(f) Permits shall not be sold, assigned, transferred, or disposed of in any manner whatsoever except with the consent of the Commission first had and obtained.

(g) Permits shall be granted or issued only to complete reduction plants. A complete reduction plant shall be independent of any other plant, except the cannery of which the plant is a part, and there will be no joint use with any other reduction plant of any machinery or equipment including, among other things, hopper, hoist, unloading facilities,

scales, fish storage bins, presses, dryers, disintegrators wet or dry, meal sacking equipment, meal storage warehouse, oil settling tanks, oil centrifuges, oil loading equipment, and steam plant, and all other equipment necessary for the unloading, weighing and processing of sardines and for the storage of the products obtained therefrom.

(h) Permits shall be issued upon the condition that a magnet of size adequate for the efficient recovery of tags is installed and operated continuously during the operation of the plant in a manner satisfactory to the Commission.

(i) All permits shall be subject to such additional conditions and restrictions as the Commission may elect to impose. A violation of any of the terms of these rules and regulations, or of the terms and conditions of the permit itself, or of the provisions of Division 4, Part 2, Chapter 5, Articles 2, 4 and 5 of the Fish and Game Code shall subject the same to immediate suspension at the option of the Commission, and no new or subsequent permit shall be issued to such permittee for a period of not to exceed 12 months.

(j) These Rules are subject to modification by the Commission at any time to conform to any decision of the courts of this State or to meet any conditions which, in the opinion of the Commission, warrant and justify modification of the same (Filed 7-11-47; effective 7-11-47.)

(Section 1068, Fish and Game Code)

[Regulation of Fish and Game Commission, 12-19-46]

156. Sardines, Limit of Catch for Reduction Purposes.

The Fish and Game Commission having made the findings required by Section 1068, Fish and Game Code, will grant permits to take and use sardines by a reduction process during the 1945-46 sardine season not to exceed 395,000 tons, such tonnage to be divided equally among those applicants for sardine reduction permits to whom such permits are granted.

(Section 1068, Fish and Game Code)

[Regulation of Fish and Game Commission, 6-8-45]

164. Shad and Shad Roe, Sale of.

Shad and shad roe to be held for sale between July 15 and March 14 shall be placed in a public cold storage warehouse at the close of the season, May 31; and a non-negotiable receipt shall be issued and delivered to the Fish and Game Commission. On or after July 15 said shad or shad roe shall be released to the owner by the Fish and Game Commission. All storage charges shall be paid by the owner. On release said shad or shad roe may be sold between July 15 and March 14.

(Section 719, Fish and Game Code)

[Regulation of Fish and Game Commission, General Order No. 23, 1-22-44]

SUBCHAPTER 6. VETERANS EDUCATION

Article
1. Approval of institutions for the education and training of veterans
Article
2. Approval of correspondence schools for the education and training of veterans

Article 1. Approval of Institutions for the Education and Training of Veterans

1400. Approval of Institutions for the Education and Training of Veterans. The following educational and training institutions will be classified as Type A schools and approved upon request, subject to verification and continuation of status:

(a) The University of California and all branches or parts of it, the State colleges, the State special schools and the public secondary schools.

(b) Those institutions authorized by the State Board of Education to make recommendations for the granting of teachers' credentials.*† (Filed 4-10-47; effective 4-10-47)

1401. The following educational and training institutions will be classified as Type B schools and approved upon request, subject to submission of a satisfactory application, verification and continuation of status:

(a) Those institutions accredited by the Association of American Universities, the Northwest Association of Secondary and Higher Schools, the American Association of Teachers Colleges, and other accredited agencies recognized by the U. S. Office of Education.

(b) Those private secondary institutions accredited by the University of California.*† (Filed 4-10-47; effective 4-10-47)

1402. Only Type A and B schools will be approved to offer training on a unit basis. Such schools must offer a minimum of twelve units of instruction.*† (Filed 4-10-47; effective 4-10-47)

1403. All other educational and training institutions will be classified as Type C schools and approved upon request, subject to submission of a satisfactory application and compliance with all regulations of the Division of Readjustment Education.*† (Filed 4-10-47; effective 4-10-47)

1404. Regulations governing the approval of Type C institutions. Continuation of approval will be contigent upon compliance with and maintenance of these regulations.

(a) **Financial.**

(1) The school must be on a sound financial basis.

(b) **Professional.**

(1) The school must operate on the basis of sound administrative policies.

(2) The school must at all times adhere to ethical practices.

(3) Except as otherwise provided in paragraph (4) under part (b) Section 1404 instructors must have qualifications that

*† For statutory and source citations, see note to §1; also see public law 346 of 78th Congress.

are equivalent to the minimum requirements for teachers in public adult day or evening schools, in the special fields in which they propose to teach. Evidence will be required of successful accredited teaching experience or a minimum of five years' experience on a high professional level or five years' experience as a master craftsman in the fields in which they propose to teach.

(4) Instructors employed by institutions operating under the regulations of a State Board or a Federal agency must show evidence of being properly licensed by such board or agency if such regulations provide for their licensing.

(5) The school should be so organized as to have the equivalent of three qualified full-time instructors.

(c) **Course of Study.**

(1) The school must have established courses of study which indicate objectives, content, and methods of instruction for each course offered.

(2) Courses of study for which approval is requested must have been in use for a minimum period of six months.

(3) The school must offer courses of at least three months' duration.

(4) There must be a full-course program for a minimum of twenty-five hours per week. This provision does not apply to schools authorized to operate on a unit basis. The number of clock hours of instruction provided must be approximately equal to recognized practice for each course or subject offered.

(d) **Physical Facilities.**

(1) The equipment and instructional materials must be equivalent to those found in public schools offering similar courses.

(2) The school plant must meet requirements established by or under the authority of the laws of the State and applicable city and county, and county ordinances.

(3) Only one established school location may be approved, with the following exceptions:

(A) When the school has shown evidence that additional physical facilities are required to maintain an adequate training program additional facilities may be established with the approval of the Division of Readjustment Education. Such facilities must be within the same central area as the approved institution and must meet the regulations of the Division of Readjustment Education governing physical facilities.

(B) When a branch of the approved institution has been established and meets the regulations of the Division of Readjustment Education governing Type C schools a separate application for approval is required.

*† For statutory and source citations, see note to §1.

(4) A training program conducted in a private residence will not be approved.

(e) **Admission Requirements.**

(1) The qualifications for admission to the school must be in accordance with recognized practice. Admission must be on a selective basis that will insure acceptance of only those students who are fully qualified.

(f) **General Requirements.**

(1) The school must have operated successfully for a minimum period of six months to be eligible for approval.

(2) A school which operates in conjunction with or is a subsidiary of a commercial enterprise is not eligible for approval. This does not prevent the proprietor of a school from engaging in business in an entirely unrelated field.

(3) Those schools for which there is a recognized professional accrediting agency are required to have the approval of such agency.

(4) When a school makes written application for approval to offer training to veterans under Public Law 346 of the 78th Congress, as amended, (Servicemens Readjustment Act of 1944, as amended) such school thereby consents to visitations at all times by representatives of the Division of Readjustment Education until approval of the school is denied or withdrawn. When such visitations are made it must be possible for these representatives to inspect and evaluate all physical facilities, instructional aids, equipment and classes in session.

(5) A proper teacher-student ratio, based upon sound educational principles, must be maintained.

(6) The school must secure approval of the Division of Readjustment Education for changes in the program of instruction and changes in the physical plant.

(7) The school must notify the Division of Readjustment Education of any additions to the instructional staff and submit evidence that such personnel meets the qualifications as set forth in the regulations.

(8) With respect to an approval given a school by the Division of Readjustment Education, the only statement which may be in any form of advertising is "Approved for Veterans." SPECIAL EMPHASIS MUST NOT BE PLACED UPON THIS STATEMENT.*† (Filed 4-10-47; effective 4-10-47)

1405. Before approval is granted to a school qualifying as a Type B or C school, each of the following items of evidence must be submitted in typed form to the Division or Readjustment Education on the forms specified below.

(a) Copy of school's latest financial statement. (Such forms should be procured from a local bank.)

*† For statutory and source citations, see note to §1.

(b) **References.**

(1) Bank reference. (Form A.)

(2) Give the names of at least five business firms of recognized standing with which the school has established credit. (Form A.)

(3) Give the names of five individuals who will attest to the professional or vocational reputation of the school. (Form A.)

(4) Give the names of five graduates of or students currently enrolled in the school who will attest to the quality of the school's training. (Form A.)

(c) Statement of the training and experience of the members of both the administrative and teaching staffs, together with a statement of administrative salaries and the number of hours per month each instructor is employed and his monthly salary. (Form B.)

(d) A master schedule which establishes the fact that a full-course program for a minimum of twenty-five clock hours or twelve units per week is offered. This schedule should indicate the subjects taught, the hours during which instruction is given, and the instructor's name. (Form C.)

(e) A complete inventory of the institution's physical facilities including both space and equipment.

(f) Outline of course of study which indicates objectives, content, and methods of instruction must be submitted in printed, mimeographed, or typed form for each course for which approval is requested.

(g) A statement of the number of weeks required to complete each course.

(h) A statement of all requirements for graduation from the school.

(i) Samples of the school's forms upon which attendance records are kept. It is imperative that the attendance records which are the basis for billing Veterans Administration, be substantiating evidence of attendance.

(j) Evidence of a satisfactory plan for admitting students to the school. Methods of administering the plan and standards of admission must be submitted.

(k) Copies of the school's catalog, brochures or leaflets and samples of the school's current advertising through press, radio, or direct mail.

(*l*) A detailed itemized statement of all charges made to students. This must cover all charges for tuition, equipment costs, books, supplies, and any special fees.

1406. When, upon investigation it is found that a school has been guilty of unscrupulous practices, misrepresentation, or fraud, or has failed to conform to any of the representations contained in its application for approval, approval will be withheld, or, if such school has been previously approved, approval will be withdrawn.*† (Filed 4-10-47; effective 4-10-47)

*† For statutory and source citations, see note to §1.

1407. Approval will be withheld from a school, or if approval has previously been granted such school, approval will be withdrawn whenever, after investigation by the State Department of Justice, the Division finds that the school teaches, or is dominated or influenced by, or that any member of the faculty of such school is affiliated with, or dominated or influenced by, any foreign or domestic organization, association, movement, group or combination of persons designated by the Attorney General of the United States of America as Totalitarian, Fascist, Communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or as seeking to alter the form of Government of the United States or of any state, territory or possession thereof by unconstitutional means.*† (Filed 4-10-47; effective 4-10-47)

1408. When, upon investigation by the Division of Readjustment Education, it is found that an approved school no longer meets the prescribed standards of the Division, or when an approved school requests that approval be withdrawn, approval will be withdrawn by the Division.*† (Filed 4-10-47; effective 4-10-47)

1409. A school from which approval has been withheld or withdrawn will not be eligible to apply again for approval until a period of time, which shall be determined by the Division, shall have elapsed from the date of disapproval, and such other conditions as the Division may prescribe, have been met. Such period of time in the case of schools approval of which has been withdrawn under Section 1408, shall not be less than two months nor more than six months.*† (Filed 4-10-47; effective 4-10-47)

1410. Approval of a school applies only to said Public Law 346 of the 78th Congress, as amended, and is subject to continuing review by the Division of Readjustment Education. Continuation of approval is contingent upon constant maintenance of regulations.*† (Filed 4-10-47; effective 4-10-47)

1411. Before approval of the application of a school may be given, each item of evidence required must have been submitted in satisfactory form and must have been unqualifiedly approved by the Division of Readjustment Education.*† (Filed 4-10-47; effective 4-10-47)

*† For statutory and source citations, see note to §1.

1412.

Form 2

State of California
Department of Education
Division of Readjustment Education

APPLICATION FOR APPROVAL AS A SCHOOL FOR THE TRAINING OF VETERANS UNDER TITLE II, PUBLIC LAW 346, SEVENTY-EIGHTH CONGRESS

Date _____

I. Name of school _____

Location _____ Telephone _____

Ownership of institution:
Proprietorship or Partnership _____
(Name and address)

If a corporation:
List names and addresses of members of Board of Directors:

Name and title of administrative head _____

Date of founding _____ Has the school been in continuous operation since that date? _____

What is the enrollment on this date? _____ Full time _____ Part-time _____

Has the school been approved in any way by a recognized state, regional, national board or professional association _____

If so, give name and address _____

List degrees authorized to grant _____

Name the courses for which you wish approval:

Form A

REFERENCES

1. Bank Reference:

2. Character and Financial References:

Name	Position	Address	Tel. No.

3. Professional References:

Name	Position	Address	Tel. No.

4. Graduates—References:

Name	Position	Address	Tel. No.

Form B

TEACHING AND ADMINISTRATIVE PERSONNEL

Name of School_____

Give the following information for each administrator, supervisor and teacher who will be engaged in the veterans' program.

Name, position and subjects taught

Salary_____

EDUCATION

	From	To	Majors	Degrees	Date
High School					
College or University					

TEACHING EXPERIENCE

Institutions	From	To	Subjects

TRADE OR BUSINESS EXPERIENCE

Firms	Address	From	To	Occupations

In this school since (date) :_____

Subjects or courses taught:_____ Full-time____ No. hrs.____

Part-time____ No. hrs.____

Additional information on other side.

Form C

SCHOOL

MASTER 25 HOUR CLASS SCHEDULE

Subject	Day(s)	Hour	Instructor

FORM 1
3/20/46

Article 2. Approval of Correspondence Schools for Education and Training of Veterans

1420. Approval of Correspondence Schools for Education and Training of Veterans. Correspondence schools for the education and training of veterans under Title II of Public Law 268, 78th Congress will be approved by the Department of Education when found to meet the following standards:

(a) School must be on a sound financial basis, such condition to be attested by responsible business firms, individuals, or credit associations. With application include a copy of the school's latest financial statement.

(b) Instructional services—An adequate staff of competent instructors shall give personal guidance and instructional service to students on each lesson or unit assignment. These instructors must have qualifications equivalent to the minimum standards of teachers in public adult day and evening schools, in the special fields in which they are at work.

(c) Text materials must adequately cover the field claimed, be accurate, be of current value, be well illustrated with descriptive cuts (whenever possible), be carefully organized, and presented in a pedagogical manner.)

(d) The school must submit established courses of study which indicate objectives, content, and methods of presentation for each course offered.

(e) With the formal application (Form 2) must be filed:

(1) One set of all current advertising copy, sales literature, form letters, sales talks, collection forms, student contracts, etc., used by the applicant.

(2) One complete set of all lesson papers, texts, assignments, etc., for each course offered.

(3) Samples of a dozen to fifteen criticized and graded student lesson papers.

(f) The content of all courses and the length of time required for their completion must be approximately equal to recognized practice for each subject or course offered.

(g) The school must submit evidence of reasonable opportunity for placement upon completion of the training program. Completion of specific courses must be acceptable evidence for admission to an advanced course or to employment at the level which could normally be attained in a like period of training time.

(h) Qualifications for enrollment as a student for any course or courses of training offered by the school must be in accordance with recognized practice.

(i) Names and addresses of all employees of the school must be included, together with a complete description of the training and experience of all administrative and instructional staff members.

(j) The school must have been operating successfully as such for a period of at least six months prior to its application for approval. Evidence must be submitted that students have completed the courses offered and have found the training to be of real value.

FORM 2
3/20/46

State of California
Department of Education
Division of Readjustment Education

APPLICATION FOR APPROVAL AS A CORRESPONDENCE SCHOOL FOR THE TRAINING OF VETERANS UNDER TITLE II, PUBLIC LAW 268, 79TH CONGRESS

Date_____

I. Name of school_____
Location_____ Telephone_____
Ownership of institution:
Proprietor or Partnership_____
(Name and address)

List of names and addresses of members of Board of Directors:

Name and title of administrative head_____
Date of founding_____Has the school been in continuous operation since that date?_____
What is the enrollment on this date?_____
Has the school been approved in any way by a recognized state, regional, or national board or agency?_____If so, give
Name and address_____

List degrees authorized to grant_____

For what courses, departments, or programs do you wish approval?

II. Include with this application copies of your catalog and any other brochures or leaflets. Also include samples of all of your advertising through press, radio, or direct mail contact. Materials offered after submission of this application must be mailed to the Division of Readjustment Education as issued and at the time of issue to the public.

III. Submit the following additional information, each time as a separate exhibit. If complete details regarding any of the items are to be found in your catalog, you may specify the page instead of submitting the details separately.
1. A detailed itemized statement of all charges made to students. This must cover all charges for tuition, equipment costs, books, and supplies, and any special fees.
2. An outline of each separate program showing (a) the subjects included, (b) the approximate time (in weeks) needed to complete the full course.
3. A statement of any special requirements for completion of the course.
4. A brief description of the institution's (a) physical facilities including both space and equipment, (b) library, and (c) method of keeping permanent records.

5. Give a bank reference and nine responsible firms or individuals with which the institution has had business relations or who can testify as to the success of your graduates.

Name	*Address*

FORM 3
Revised

TEACHING AND ADMINISTRATIVE PERSONNEL
NAMES AND QUALIFICATIONS OF TEACHING STAFF

Names	High School Attended 4 yrs. Diploma	College Attended Degrees	Practical Experience	
			Industry or Business	Subjects or Courses Taught
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Institution and Credential	Year				
	1946–47	1947–48	1948–49	1949–50	1950–51
17. Occidental College			X		
Junior College Credential	X				
18. College of the Pacific					X
Secondary School Administrative	X				
19. University of Redlands			X		
20. Whittier College	X				
21. Immaculate Heart College					X
22. San Francisco College for Women		X			
General Secondary				X	
23. Mt. Saint Mary's College		X			
General Secondary	X				
24. College of the Holy Names		X			
General Secondary				X	
25. George Pepperdine College		X			
26. La Verne College	X				
27. California College of Arts and Crafts			X		

*†

*† For statutory and source citations, see note to §800.

Article 6. Acceptance for Credential Purposes of Credit Earned in Institutions not Included in the List of Accredited California Teacher Education Institutions

844. Acceptance for Credential Purposes of Credit Earned in Institutions Not Included in the List of Accredited California Teacher Education Institutions. (a) Appropriate undergraduate credit earned in universities and in colleges offering a four-year program leading to a standard baccalaureate degree may be accepted as meeting undergraduate credit requirements for California credentials if the credit is earned in universities and colleges on the list of institutions accredited by the Association of American Universities, the American Association of Teachers Colleges, the Southern Association of Colleges and Secondary Schools, or the North Central Association of Colleges and Secondary Schools.

(b) Appropriate credit earned in teacher education institutions accredited by a recognized professional association or by other recognized competent authority may be accepted as meeting undergraduate credit requirements for California special subject credentials in the respective fields.

(c) Appropriate undergraduate credit earned in a non-accredited educational institution may be accepted as meeting undergraduate credit requirements for California credentials, if the applicant verifies unconditional graduate standing in a recognized high standard teacher education institution which offers an advanced degree. (§§800 to 844, inclusive, filed 5-10-46; effective 5-10-46.)*†

*† For statutory and source citations, see note to §800.

(m) **University of Southern California, Los Angeles**
Special Secondary Credentials in
Correction of Speech Defects*†

(n) **College of Pacific, Stockton**
Administration Credential
Secondary School Administration

(o) **California College of Arts and Crafts**
Special Secondary Credential in Art

*† For statutory and source citations, see note to §800.

Article 5. Schedule of Reaccreditation Dates of California Teacher Education Institutions

834. Schedule of Reaccreditation Dates of California Teacher Education Institutions.

Institution and Credential	Year				
	1946–47	1947–48	1948–49	1949–50	1950–51
1. University of California			X		
2. University of California at Los Angeles		X			
3. Santa Barbara College, University of California		X			
4. California Polytechnic School	X				
5. Chico State College					X
General Secondary			X		
Elementary School Administration			X		
Elementary School Supervision			X		
Special Supervision			X		
6. Fresno State College			X		
7. Humboldt State College					X
Elementary School Supervision	X				
Elementary School Administration	X				
Special Supervision	X				
8. San Diego State College					X
General Secondary			X		
Elementary School Administration			X		
Elementary School Supervision			X		
Special Supervision			X		
9. San Francisco State College					X
General Secondary			X		
Elementary School Administration			X		
Elementary School Supervision			X		
Special Supervision			X		
Secondary School Supervision			X		
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Librarianship			X		
Special Secondary Credentials in Art			X		
Business Education			X		
Homemaking			X		
Industrial Arts			X		
Music			X		
Physical Education			X		
Speech Arts			X		
Speech Correction			X		
Elementary School Administration			X		
Elementary School Supervision			X		
Special Supervision			X		
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12. University of Southern California					X
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13. Chapman College	X				
14. Claremont College	X				
15. Dominican College			X		
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Article 51. Special Subject Supervision Vocational Class B Credential in Trade and Industrial and Public Service Education

466. Application. An applicant for the special subject supervision vocational Class B credential in trade and industrial and public service education shall submit the application through the Division of Vocational Education at the University of California, Berkeley, or the University of California at Los Angeles and shall otherwise comply with the procedure prescribed for application (Section 201), and shall have completed a program including the following minimum requirements:

(a) Possession of a valid special secondary vocational Class A or Class B credential, or life diploma in trade and industrial and public service education for which all teacher training requirements are completed.

(b) Three years of successful teaching experience in trade and industrial and public service classes meeting the requirements of the California Plan for trade and industrial and public service education for which reimbursement is approved under the Federal and State Vocational Education Acts.

(c) Ten semester hours of professional courses[1] relating to school organization, administration and supervision. The work should be distributed as follows:

(1) Required courses:
A. Supervision of vocational education.
B. Principles of conference leading.
C. Cooperative and apprentice education.

(2) Elective courses from the following list:
A. Surveys in Vocational Education.
B. Seminar in vocational curricula.
C. Personnel management.
D. Labor economics.
E. Industrial organization and management problems.*†

467. Authorization for Service. The special subject supervision vocational Class B credential in trade and industrial and public service education authorizes the holder to supervise approved trade and industrial and public service classes and other classes in trade and industrial education as a department head and department supervisor in a secondary school or as a special city supervisor of classes in a particular trade, industrial, or public service field and, also, to serve as a coordinator in the special trade, industrial or public service field in which the applicant possesses the special secondary vocational teaching credential or life diploma.*†

468. Term. The special subject supervision vocational Class B credential in trade and industrial and public service education may be issued for a period of time corresponding to the term of the basic teaching credential in trade and industrial education held by the applicant,

[1] Courses taken by the applicant for the basic vocational teacher education will not be accepted as meeting the requirements of professional courses for the supervision credential.

*† For statutory and source citations, see note to §200.

except that when the basic credential is a life diploma, the initial special subject supervision vocational Class B credential in trade and industrial and public service education may be issued for a period of five years and may be renewed for periods of five years in accordance with provisions of Section 202.*†

Article 52. Secondary School Administration Credential in Trade and Industrial Education

471. Application. An applicant for the secondary school administration credential in trade and industrial education shall submit the application through the Division of Vocational Education at the University of California, Berkeley, or the University of California at Los Angeles, and shall otherwise comply with the procedure prescribed for application (Section 201) and shall have completed a program including the following minimum requirements:

(a) Possession of a valid special secondary vocational Class A or Class B credential or life diploma in trade and industrial education for which all teacher training requirements are completed.

(b) A bachelor's degree from a recognized college or university.

(c) Three years of successful teaching experience in trade and industrial education classes.

(d) Eighteen semester hours[1] including work in the following subject groups:

(1) Supervision of Vocational Education.
(2) Conference Leading.
(3) Cooperative and Apprenticeship Education.
(4) School Organization and Administration.
(5) School Organization and Finance.
(6) Adult Education.
(7) Educational Surveys.
(8) Pupil Personnel, Counselling, Guidance and Parent Education.
(9) Tests and Measurements.
(10) Curriculum Construction.
(11) Secondary Education.*†

472. Authorization for Service. The secondary school administration credential in trade and industrial education authorizes the holder to serve as a principal, vice principal or supervisor of a trade school, and also to serve as a general supervisor or coordinator of approved trade and industrial classes and other classes in trade and industrial education.*†

[1] Courses taken by the applicant in fulfillment of the requirements for the basic credential in trade and industrial education and in fulfillment of the requirements for the baccalaureate degree will not be counted toward the 18 semester hours of professional courses required for this administration credential. If the subject fields listed above have been covered in the completion of the requirements for the baccalaureate degree or the basic teaching credential, other courses may be substituted for the 18 semester hours upon the recommendation of the Supervisor of Trade and Industrial Teacher Training, University of California, Berkeley or University of California at Los Angeles.

*† For statutory and source citations, see note to §200.

SUBCHAPTER 2. CREDENTIALS FOR PUBLIC SCHOOL SERVICE

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Article I. Application for Credentials and Life Diplomas Authorizing Public School Service

200. Authority for Granting Credentials and Life Diplomas. Credentials and life diplomas authorizing public school service are granted and issued in accordance with the provisions of Chapter 1, Division 7 of the Education Code and the Rules and Regulations of the State Board of Education.*†

NOTE—§§200 to 473, inclusive, issued under the authority contained in Section 112, and Chapter 1 of Division 7, Education Code. Source of §§200 to 473, inclusive, is the Rules and Regulations of the State Board of Education.

201. Application Procedure. (a) **Address.** All applications and other communications relating to credentials and life diplomas should be addressed to the Commission of Credentials, State Department of Education, Library-Courts Building, Sacramento 14, California.

(b) **Methods of Applying for a Credential.** Qualified applicants may secure a credential either (1) upon the recommendation of a California teacher education institution approved by the State Board of Education to offer the training and to make the recommendation for the credential, or (2) upon direct application to the Commission of Credentials.

(c) **Application Form.** Each application for a credential shall be made on the application form provided by the Commission of Credentials.

(d) **Health Certificate.** Each application for a regular credential, except the adult education credential for short unit courses, shall be accompanied with a health certificate on the form prescribed by the State Board of Education. This form is available from the Commission of Credentials upon request.

(e) **Fee.** Each application for a credential shall be accompanied with a fee of $3.00 in the form of a money order or certified check.

(f) **Transcripts of Record.** Each direct application for a credential shall be accompanied with official transcripts of record listing all college and university courses completed in fulfillment of the requirements for the credential sought. Each application for a credential granted on the basis of high school graduation or the equivalent thereof shall be accompanied with evidence verifying that the applicant has graduated from high school or that he possesses equivalent qualifications, as the case may be.

In courses above high school grade the applicant shall verify by official transcripts of record a scholarship record of C or better on a five point scale in each of the following subject groups:

(1) The total training program beyond high school.

(2) The professional teacher education courses.

(3) Each of the assignments in directed teaching.

(4) The teaching major, when such major is required for the credential.

(5) The teaching minor, when such minor is required for the credential.

*† For statutory and source citations, see note to §200.

(g) **Experience in Lieu of Directed Teaching.** The Commission of Credentials may at its discretion accept appropriate successful teaching experience in partial or complete fulfillment of the directed teaching requirement for each credential which authorizes teaching.

(h) **Course in United States Constitution.** Each application for the junior college credential, the general secondary credential, the junior high school credential, the general elementary credential, and the kindergarten-primary credential shall be accompanied with evidence verifying that the applicant has passed, in a recognized college or university or under the auspices of a county board of education in California, a satisfactory examination on the provisions and principles of the Constitution of the United States or has completed satisfactorily a minimum of two semester hours of work therein in a junior college, college or university of recognized merit in California, provided that, such a credential may be granted to remain valid to the credential expiration date in the year next following the first issuance of the credential, but for not less than twelve calendar months, and provided further, that in the case of credentials subject to this requirement, a second credential of the same kind shall not be granted to a person until this requirement has been met.

(i) **Educational Experience.** For each credential granted in whole or in part on the basis of educational experience, the application must be accompanied with original letters from responsible persons having knowledge of the facts verifying the dates and character of the experience claimed.

(j) **Recency of Training and Experience.** Each application for a credential, except credentials for which other renewal requirements are specifically established, must be accompanied with official transcripts of record of college or university work or of original letters verifying that the applicant has during the five-year period immediately preceding the date of application completed satisfactorily (1) a minimum of six semester hours of upper division or graduate college or university work of recognized standard, or (2) a minimum of five months of successful school experience, or (3) a minimum of five months of other experience in educational work of a type and in an amount which satisfies the Commission of Credentials that the applicant is acquainted with acceptable current educational practices.

This requirement of recency of training or experience for the issuance of any credential shall not be effective during the existence of the national emergency declared by the President of the United States as to any applicant when such applicant has met all other requirements for the issuance of such credential and on or after May 1 of any calendar year applies for the issuance of such credential for the period ending June 30 of the succeeding calendar year.

(k) **Citizenship.** Each application for a credential, except an application for an exchange teacher credential must be accompanied with verification showing that the applicant meets the citizenship requirements established by the State Labor Code.

Each applicant subject to citizenship requirements must be a citizen of the United States or must present evidence in the form of original documents or certified copies thereof verifying that he has declared his

*† For statutory and source citations, see note to §200.

intention to become a citizen of the United States, in which event he may be granted a credential valid to a date not later than the end of the six months period following the date when he is first eligible to apply for final papers of citizenship. During the national emergency declared by the President of the United States, nationals of the nations allied with the United States or with which the United States is at peace may secure a credential valid for a period that does not extend beyond 91 days after the final adjournment of the 1947 regular session of the Legislature or until the cessation of hostilities in all wars in which the United States is engaged whichever first occurs.

(*l*) **Age of Applicants.** Each applicant for a credential must certify that he has attained the age of eighteen years.

(m) **Applicants Whose Previous Certification Document Has Been Revoked or Suspended.** An application for a certification document or for the renewal of a certification document submitted by a person who has had a certification document revoked or suspended by the State Board of Education shall be presented to the Board for such action thereon as the Board deems appropriate.*†

202. Renewal of Credentials. Credentials may, prior to their date of expiration, be renewed as provided in Article 11, Chapter 1, Division 7 of the Education Code pursuant to this section.

Valid renewable credentials may be renewed by submitting the following materials to the Commission of Credentials:

(a) **Application Form.** Each request for a renewal of a credential shall be made on the application form provided by the Commission of Credentials.

(b) A health certificate on the form prescribed by the State Board of Education, except for the renewal of the adult education credential for short unit courses.

This requireemnt is not in effect during the continuance of the national emergency declared by the President of the United States.

(c) The fee of three dollars in the form of a money order or certified check.

(d) Verification of completion of requirements, if any, listed in the credential and of any additional renewal requirements established in the specification for the credential in question by State Board of Education regulations.

(e) Verification of recency of training by official transcript of record, or of recency of experience by original letters from responsible persons having knowledge of the facts as follows:

Each applicant for the renewal of a credential, other than any credential for which the State Board of Education has established other and additional special training and experience requirements for renewal, shall verify that he has, during the five-year period immediately preceding the date of application for renewal, completed either (1) a minimum of six semester hours of upper division or graduate work of recognized standard, or (2) a minimum of five months of successful school experience, or (3) a minimum of five months of experience in other educational

*† For statutory and source citations, see note to §200.

work of a type and in an amount which satisfies the Commission of Credentials that he is acquainted with acceptable current educational practices. During the national emergency declared by the President of the United States, a valid renewable credential, other than any credential for which the State Board of Education has established special recency of training or experience requirements, may, on or after May 1 of the year of its expiration, be renewed to June 30 of the succeeding calendar year without meeting this recency of training or experience requirement.*† (Filed 4-29-47; Effective 4-29-47)

203. Life Diplomas. (a) Life diplomas are granted in accordance with the provisions of Article 10, Chapter 1, Division 7 of the Education Code and Rules and Regulations of the State Board of Education.

(b) Combination life diplomas shall not be issued.

(c) A separate application must be submitted for a life diploma in each level or subject field for which application is made.

(d) The application shall be submitted, on the form provided by the State Board of Education, to the county superintendent of schools of the county in which the applicant is serving, or if an applicant is not employed, to the county superintendent of schools of the county in which he last served.

(e) The application shall be accompanied with:

(1) A recommendation, on the form provided by the State Board of Education, from the county board of education of the county in which the applicant is serving, or if the applicant is not employed, in the public schools of California from the county board of education of the county in which he last served.

(2) A health certificate, on the form prescribed by the State Board of Education, dated within six months prior to the date of the submission of the application.

(3) A $3 fee in the form of a money order, Cashier's check or certified check.

(4) Original letters from responsible persons having knowledge of the facts verifying that the applicant has completed the experience required by law and these rules and regulations showing the inclusive dates of such experience, the actual number of months thereof and the degree of success attained therein.

(5) The applicant's county certificate or state credential authorizing the specific service to be designated on the life diploma for which application is made. A combination certificate or combination state credential may be used as a basis for a life diploma in each of the levels or subject fields named therein.

(6) If the application is based upon an elementary county certificate granted upon examination, a complete record of the history of the certificate, must be submitted. If such county certificate was issued upon a certificate originally issued by the county board of education of another county upon examination, the latter certificate must also be submitted if in the possession

*† For statutory and source citations, see note to §200.

of the applicant; if such original certificate is not in the possession of the applicant, the necessary informaton shall be secured from the county of original issue by the recommending County Board of Education.

(7) If the application is based upon a county certificate issued upon a normal school diploma, the date of the normal school diploma must appear on the certificate, or if such date does not appear on the certificate both the county certificate and the normal school diploma shall be submitted.

(f) When the application is approved by the County Board of Education, such approval shall be recorded on the County Board of Education recommendation for life diploma form provided by the State Board of Education.

(g) The application, when complete, shall be submitted by the county superintendent of schools to the Commission of Credentials.*†

203.1. Ground of Objection. Any ground (including any ground specified in Chapter 6, Division 7, of the Education Code, or any amendment of or successor thereto) specified by any law of this State as cause for revocation or suspension of any life diploma, document or credential shall be grounds for rejection of an application for any such life diploma, document or credential or for the renewal of any such life diploma, document or credential.*† (Filed 4-29-47; Effective 4-29-47)

204. Appeals to the State Board of Education. Any applicant for a credential, renewal of a credential, or life diploma who is dissatisfied with the action taken on the application by the Commission of Credentials may appeal to the State Board of Education in the manner provided by Education Code, Section 12044. Failure of the Commission of Credentials to issue a credential, renewal of a credential, or life diploma within sixty days after a complete application has been filed with the Commission may, at the option of the applicant, be treated as a denial of the application. Such appeal may be taken by filing with the Secretary of the State Board of Education and the Secretary of the Commission of Credentials, a notice in writing stating that the applicant appeals from the decision of the Commission of Credentials. Upon the filing of such notice with the Secretary of the Commission of Credentials, he shall file with the Secretary of the State Board of Education, the application and other supporting documents theretofore filed with the Commission of Credentials.*† (Filed 4-29-47; Effective 4-29-47)

204.1. Hearing of Appeal. Any applicant for a credential, or renewal thereof, or life diploma who appeals to the State Board of Education shall be entitled to a hearing to be conducted in the manner provided by Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.*† Filed 4-29-47; Effective 4-29-47)

205. Hearings by State Board of Education. All hearings held by the State Board of Education on any application for a credential or life diploma shall be conducted in accordance with provisions of Chapter 5, Part 1, Division 3, Title 2 of the Government Code.*†

*† For statutory and source citations, see note to §200.

206. Service Authorized by Credentials and Life Diplomas. Each credential or life diploma authorizes the holder to perform the services listed in it, and in addition to the authorization for service appearing on any general or special secondary credential or life diploma authorizing service in regular day classes, such credential or life diploma authorizes the holder thereof to serve in a study hall or in non-teaching assignments.

A school district is not, however, qualified to receive reimbursement from State Vocational Education Funds for vocational classes taught by the holder of a California State credential or life diploma, unless among other requirements, the teacher of these classes holds either:

(1) A California State special secondary or adult education credential or life diploma which specifically authorizes the teaching of such classes or

(2) A California State junior high school, general secondary, junior college, special secondary, or adult education credential or life diploma authorizing the teaching of the subject and in addition a permit authorizing the teaching of such classes, which permit is issued under authority of the State Plan for Vocational Education.*†

*† For statutory and source citations, see note to §200.

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(c) **Alfalfa Meal** is the product obtained from the grinding of the entire alfalfa hay, without the addition of any alfalfa stems, alfalfa straw, or foreign material, or the abstraction of leaves. It must be reasonably free from other crop plants and weeds, and must not contain more than 30 per cent of crude fiber.

(d) **Alfalfa Leaf Meal** is the ground product consisting chiefly of leafy materials separated from alfalfa hay. It must be reasonably free from other crop plants and weeds, and must not contain more than 18 per cent of crude fiber.

(e) **Alfalfa Stem Meal** is the ground product remaining after the separation of the leafy material from alfalfa hay or meal. It must be reasonably free from other crop plants and weeds.

(f) **Alfalfa Straw Meal** is the ground product obtained by grinding the straw remaining after separation of the seed. It must be reasonably free from other crop plants and weeds.

(g) **Forage Meal** is the product obtained by grinding a mixture of hay, grasses, weeds, and other plants. It must be free from noxious weeds.

2774. Animal Products.

(a) **___Per Cent Protein Meat Scraps** is the ground, dry-rendered residue from undecomposed animal tissues, exclusive of hoof, horn, hair, manure, and stomach contents, except in such traces as might occur unavoidably in good factory practice, and containing not more than 4.4 per cent phosphorus (P). If it bears a name descriptive of its kind, or origin, it must correspond thereto.

(b) **___Per Cent Protein Meat and Bone Scraps** is the ground, dry-rendered residue from undecomposed animal tissues exclusive of hoof, horn, hair, manure, and stomach contents, except in such traces as might occur unavoidably in good factory practice, especially prepared for feeding purposes by dry rendering and grinding. If it bears a name descriptive of its kind, or origin, it must correspond thereto.

(c) **___Per Cent Protein Digester Tankage, or ___Per Cent Protein Feeding Tankage** is the residue from undecomposed animal tissues exclusive of hoof, horn, hair, manure, and stomach contents, except in such traces as might occur unavoidably in good factory practice, especially prepared for feeding purposes by tanking under live steam. It must not contain more than 4.4 per cent phosphorus (P). If it bears a name descriptive of its kind, composition, or origin, the material must correspond thereto.

(d) **___Per Cent Protein Digester Tankage With Bone, or ___Per Cent Protein Feeding Tankage With Bone** is the residue from undecomposed animal tissues exclusive of hoof, horn, hair, manure, and stomach contents, except in such traces as might occur unavoidably in good factory practice, especially prepared for feeding purposes by tanking under live stream. If it bears a name descriptive of its kind, composition, or origin, it must correspond thereto.

(e) **Animal Liver Meal** is the product obtained by drying and grinding liver from slaughtered animals.

(f) **Animal Liver and Glandular Meal** is the product obtained by drying and grinding liver and other glandular tissue from slaughtered mammals. At least 50 per cent of the dry weight of the product must be derived from liver.

(g) **Extracted Animal Liver Meal** is the dried product obtained by removing a large portion of the water soluble vitamins from animal liver meal.

(h) **Glandular Meal** is the product obtained by drying and grinding glandular tissues of slaughtered animals.

(i) ___**Per Cent Protein Blood Meal** is ground, dried blood.

(j) ___**Per Cent Protein Blood Flour** is dried blood, prepared by special processes and reduced to a fine powder.

(k) **Bone Meal** is the dried, ground product suitable for animal feeding, obtained by cooking undecomposed bone in water at atmospheric pressure sufficiently to remove excess fat and meat. It shall not contain less than 23 per cent of protein and shall be labeled to state the minimum per cent of phosphorus (P).

(*l*) **Steamed Bone Meal** is the dried, ground product suitable for animal feeding, obtained by cooking bones with steam under pressure. It shall be labeled to state the minimum per cent of phosphorus (P).

(m) **Special Steamed Bone Meal** is the dried, ground product suitable for animal feeding, obtained by cooking dried bone after the removal of grease and meat fiber with steam under pressure in the process of obtaining gelatin or glue. It shall be labeled to state the minimum per cent of phosphorus (P).

(n) **Bone Charcoal** or **Bone Black** is the product obtained by charring bones in closed retorts. It shall contain not less than 13.1 per cent phosphorus (P).

(o) **Spent Bone Black** is the product resulting from repeated charring of bone black or animal charcoal after use for clarifying sugar solutions. It shall contain at least 11.5 per cent phosphorus (U).

Apple Products

2775. Apple Products. (a) **Dried Apple Pomace** is the sound, dried residue remaining after the removal of cider from apples.

(b) **Dried Apple Pectin Pulp** is the sound, dried residue remaining after the removal of pectin from apple products.

Barley Products

2776. Barley Products. When processed for sale as a feeding stuff, barley shall be designated and sold according to the following standards:

(a) **Ground Barley** or **Rolled Barley** is the product obtained by grinding or rolling barley of such quality that the resulting processed material shall contain not more than 7 per cent of crude fiber.

Article 21. Layoff and Demotion

For the general statutory provisions on this subject, refer to Section 19530 of the Act and sections following.

451. Method of Layoff. To determine the relative combined score for efficiency and seniority under the provisions of Section 19534 of the act, the following rule shall be used: The rating to be given for seniority shall be computed as provided by Section 19533 of the act and the rating to be given for efficiency shall be the score appearing on the employee's last report of performance due prior to the layoff. When a person has the absolute right to return to his former position in the state civil service, the time he spent on military leave during the emergency period specified in Section 19390 of the act shall, upon his return to state service within the period allowed for return from military leave, be considered as time spent in state service for the purpose of computing seniority rights for layoff purposes. Except for time spent in a purely educational program, "time spent on military leave" includes rehabilitation afforded by the United States Government following military service.

History: 1. Originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Amendment filed 12-23-47 (Register 10, No. 8).

452. Layoff by Subdivision. With the approval of the Executive Officer, only the employees of a designated geographical, organizational, or functional subdivision of a state agency need be considered for layoff. A reemployment list shall be established for each such subdivision.

453. Noncivil Service Employees. No state civil service employee shall be laid off from any position while any employee serving under temporary or limited term appointment is retained in any position of the same class in the unit affected by the layoff.

454. Probationer. No distinction shall be made between a probationer and a permanent employee when making layoffs.

455. Procedure. In making layoffs, the appointing power shall first confer with the Executive Officer regarding the designation of the subdivision, if any, to be considered and shall obtain from the Executive Officer a list of the civil service employees who will be affected by the layoff, together with the combined score for efficiency and seniority of each such employee. The appointing power shall then notify the employee or employees to be laid off and shall immediately thereafter render a written report to the Executive Officer on such form as he may prescribe, such report to state the name or names of the employees so laid off and the reasons therefor.

264. Certification From Comparable List. If an employment list is not available for the class to which a position belongs, the Executive Officer may authorize certification from an eligible list or lists for an appropriate class of the same or a higher level.

NOTE—§264 issued under the authority contained in Section 19055, Government Code.

History: 1. New section filed 12-23-47 (Register 10, No. 8).

Article 11. Limited Term Appointments

For the general statutory provisions on this subject, refer to Section 19080 of the Act and section following.

281. Duration of Position. No limited term employee may be retained in his position beyond one day less than the probationary period. No time served in any such limited term employment may count toward acquiring permanent status in any position.

Article 12. Emergency Appointments

For the general statutory provisions on this subject, refer to Section 19120 of the Act and sections following.

301. Procedure. When emergency appointments are made under Section 19120 of the act, the appointing power shall immediately notify the Executive Officer of the name of the appointee and the duties of the position, the nature of the emergency, and such further data as may be required by the Executive Officer. No authority exists in the appointing power to make an emergency appointment continuous.

Article 13. Reinstatement

For the general statutory provisions on this subject, refer to Section 11940 of the Act and sections following.

311. After Resignation. The Executive Officer may approve any reinstatement authorized by the act or these rules.

313. Demoted Employee. An employee who has accepted voluntary demotion shall have the same status as a resigned employee with reference to reinstatement to a position in the same or a comparable class from which he accepted demotion.

Article 14. Probationary Period

For the general statutory provisions on this subject, refer to Section 19170 of the Act and sections following.

321. Probationary Periods Established.

History: 1. Originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Repealer filed 12-23-47 (Register 10, No. 8).

322. Intermittent Employment. In the case of permanent employment on an intermittent basis, the probationary period shall be deemed completed if the employee works 20 days for each month of

probation required regardless of the number of calendar months over which such work extends.

323. Reports on Probationers. A report of the probationer's performance shall be made to the Executive Officer within 10 days after the end of each one-third portion of the probationary period. If the employee is rejected during the probationary period, no report shall be filed for the period between the date of his last report, if any, and the date of his rejection. This rule shall be construed to be directory.

324. Duty to Reject Probationer. If the conduct, capacity, moral responsibility, or integrity of the probationer is found to be unsatisfactory, it shall be the duty of the appointing power to reject him from the position.

325. Duty to Report Delinquencies. If, during the probationary period of any state employee, there is presented to the Executive Officer evidence that convinces him that the moral conduct, character, or integrity of the employee is unsatisfactory, the Executive Officer shall present such evidence to the appointing power.

326. Restoration to Eligible List. If investigation convinces the Executive Officer that the probationer's name should be restored to the eligible list under Section 19175(a) of the Act, the name of a rejected probationer may be restored to the eligible list from which the probationer was certified if such list is still in existence. Any such request by a rejected probationer must be filed with the Board within 30 days after service upon the probationer of the written notice of his rejection. If the probationer's name is restored to such eligible list, it shall be placed thereon in accordance with the probationer's score in the examination from which such list resulted.

327. Appeals From Rejection. A probationer who is rejected during his probationary period may file an appeal with the Board requesting that he be restored to his position as provided by Section 19175(b) of the Act. Such appeal must be filed within 30 days after written notice of rejection is served on the probationer. If the Board grants the appeal, it may restore the rejected probationer to his position or may restore his name to the eligible list under the conditions specified in Rule 326.

Article 15. Performance Reports

For the general statutory provisions on this subject, refer to Section 19300 of the Act and sections following.

341. Annual Reports. The performance reports required by the act shall be filed with the Executive Officer. Such reports shall ordinarily cover the period of one year. The Executive Officer shall prescribe the months which shall constitute the reporting period for each state agency and the respective dates on which the reports from the various agencies shall be filed with him.

342. Semiannual Reports. If, since his last report was filed, there has been a change in an employee's performance which it is believed would affect his tenure or his promotional or salary adjustment rights, the appointing power or the employee may request the Executive Officer to accept a report of performance for the six months' period immediately following the period covered by the employee's last report. Such request shall be filed with the Executive Officer within 30 days after the end of the period covered by the report; and the Executive Officer may allow such report to be filed if, in his judgment, it is equitable to do so.

344. Preparation and Scoring. Performance reports shall be prepared by the immediate supervisor of the employees concerned or by such other persons as the Board or the Executive Officer may designate. Performance reports shall be scored in such manner as may be designated by the Board or Executive Officer.

345. Notice to Employee. Each employee shall be shown the performance report covering his own service and is privileged to discuss it with the appointing power before it is filed. The appointing power shall give each employee a copy of his report of performance at the time the original report is presented for the signature of the employee.

346. Appeals. An appeal from a performance report may be filed with the Board within 60 days after the date the performance report is signed by the employee or a copy thereof is served on the employee, whichever period expires first. If the report is served on the employee, an affidavit of service or mailing shall be filed with the Board. Such an appeal should clearly specify the particular report of performance and the particular items of said report which are the subject of the appeal.

Article 16. Absences

For the general statutory provisions on this subject, refer to Section 19330 of the Act and the sections following.

361. Leave of Absence. A leave of absence without pay may be granted to a permanent civil service employee; to a probationer who, immediately preceding his appointment to his position, held permanent civil service status in some other class; or to a probationer who was prevented from completing his probationary period because of his entry into the military service of the United States. In any event, a leave of absence may be granted only to an employee who desires to return therefrom to the state civil service and who, at the time the leave is granted, has a satisfactory service record.

362. Length. A leave of absence without pay shall not exceed one year except in case of a leave to enter the military service of the United States or a leave granted under Section 19393 or Section 19393.5 of the Act.

363. Reason. A leave of absence without pay will be granted only to an employee who desires to attend school or college or to enter training to improve the quality of his service, who enters the military

service of the United States, who is temporarily incapacitated by illness, who is loaned to another governmental agency for the performance of a specific assignment, who accepts employment in civilian war work, or who presents some other reason equally satisfactory. A leave of absence shall not be granted to an employee who is accepting some other position in the state service or who is leaving the state service to enter other employment, except as hereinabove provided.

364. Termination. A leave of absence is terminated by: (a) expiration of the term thereof; (b) the sooner revocation thereof by the appointing power with the approval of the Executive Officer or by the Executive Officer with the approval of the appointing power and by receipt by the employee of written notice of such revocation at least 15 days prior to the effective date of the revocation; or (c) the sooner cancellation thereof by the employee with the approval of the appointing power.

365. Procedure. An employee shall not be entitled to a leave of absence as a matter of right. Upon receipt of a request for leave of absence signed by the employee and stating with particularity the reason for the leave, the appointing power may in his discretion either approve or disapprove the request. The request for leave of absence, if approved in writing by the appointing power, shall be submitted to the Executive Officer for approval prior to the date on which the leave is to be effective. The Executive Officer shall approve the request if he finds that it complies with the law and rules relating thereto.

366. Filling Vacancy.

History: 1. Originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Repealer filed 12-23-47 (Register 10, No. 8).

367. Reinstatement. A report of the reinstatement of an employee upon his return from his leave of absence shall be made immediately by the appointing power to the Executive Officer. At the same time, the appointing power shall file with the Board a notice of the separation of the employee who filled the position during the absence of the employee on leave.

368. Fifteen-Day Leave. For a period not exceeding 15 calendar days, the appointing power may grant a leave of absence without pay without securing the approval of the Executive Officer or the Board.

369. Failure to Return. The failure of an employee to return to his position at the termination of a leave of absence is an automatic resignation from state service, and the employee shall have the rights prescribed by Section 19503 of the Act.

Article 17. Vacations

For the general statutory provisions on this subject, refer to Section 18050 of the Act and sections following.

381. Initial Computation. After six months of continuous service, each employee in the state civil service shall be entitled to vacation on

the basis of one and one-quarter working days for each month or major portion of a month of service up to and including the last day of December next following the completion of such six months of service. Thereafter, the employee shall be entitled to the vacation provided by Section 18050 of the Act.

382. Pro Rata Basis. Employees regularly engaged in part-time or intermittent work shall be granted vacation on a pro rata basis.

383. Accumulation. In the event an employee is not permitted to take all of the vacation to which he is entitled in any period, he shall be permitted to accumulate the unused portion to his credit, except that he shall at no time be entitled to accumulate a greater total than 30 working days; provided, however, that until 90 days after the Board determines that the present war emergency no longer exists, an employee may accumulate a maximum of 45 working days.

384. Right to Vacation. In the event the appointing power does not provide a vacation for an employee for two successive years, the employee may take, as a matter of right, not more than 15 days of accumulated vacation immediately preceding the end of the second of such successive calendar years, the balance of his accumulated vacation to remain to his credit.

385. Records. The appointing power shall keep proper records and schedules of vacations accumulated and granted and shall make such reports thereof to the Executive Officer as he may from time to time require.

386. Transfer of Vacation. When an employee leaves the employment of one state agency and enters the employment of another state agency without a break in service, his accumulated vacation time as of the date he enters the new position becomes a charge against the latter state agency.

NOTE—§ 386 issued under authority contained in Section 18051, Government Code.

History: New section filed 12-23-47 (Register 10, No. 8).

Article 18. Sick Leave

For the general statutory provisions on this subject, refer to Section 18100 of the Act and sections following.

401. Definitions. As used in this article, "sick leave" means the absence from duty of an employee because of his illness or injury, his exposure to contagious disease, his attendance upon a member of his immediate family who is seriously ill and requires the care or attendance of the employee, or death in the immediate family of the employee. "Member of immediate family" means the mother, father, husband, wife, son, daughter, brother, sister, or any other person living in the immediate household of the employee.

402. How Granted. The sick leave provided by Section 18100 of the Act is granted by the Executive Officer's approval after the appointing power's certification thereof to the Executive Officer.

403. Accumulation.

History: 1. §§403, 404 and 405 originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Repealer filed 12-23-47 (Register 10, No. 8).

404. Prolonged Sickness.

405. Reimbursement for Injury.

406. Evidence of Sickness. Either the appointing power or the Executive Officer or both may require a physician's certificate or other evidence to substantiate an employee's request for sick leave.

History: 1. Originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Amendment filed 12-23-47 (Register 10, No. 8).

407. Reports. Sick leave shall be certified by the appointing power upon forms prescribed by the Executive Officer.

408. Family Care. Five consecutive working days shall be the maximum sick leave for any single period that may be granted to an employee for the care of members of his family.

409. Appeal. An employee may appeal to the Board from the failure or refusal of the appointing power to certify a request for sick leave.

Article 19. Transfer

For the general statutory provisions on this subject, refer to Section 19360 of the Act and sections following.

425. To Another Agency. A transfer as provided by Section 19363 of the Act may be made if the transfer is: To a position of the same or a comparable class; requested in writing by the appointing power under whom exists the position to be filled; approved in writing by the appointing power by whom the employee was theretofore employed; and approved in writing by the Executive Officer.

Article 20. Separations From Service

For the general statutory provisions on this subject, refer to Section 19500 of the Act and sections following.

445. Resignation From State Service. An employee may resign from state service by submitting his written resignation to the appointing power. A copy of such resignation shall immediately be filed by the appointing power with the Board.

(Register 7—4-15-47)

State of California
California Administrative Register No. 7

April 15, 1947

Amendments and Additions to Rules and Regulations of

Title 2.	Personnel Board (revision)
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Article 9. Facilities and Equipment for Care

745. Space Requirement. There shall be adequate space and facilities for the proper cleansing and storage of nursing supplies and equipment. Suitable provision shall be made for the preparation of medications and treatments. A utensil sterilizer shall be provided.

(a) **Utility Rooms** shall be provided in infirmary buildings and shall have adequate lighting and ventilation. They shall be conveniently located for efficient conduct of work.

(b) **A bedpan hopper** shall be provided in each utility room or bedpan cleansing room. The bathtub, lavatory, or laundry tub shall not be used for cleaning of bedpans.

(c) **Operating Rooms.** If surgery is done in the institution, a satisfactory and adequate operating room shall be provided for the type of work performed.

(d) **Pharmacy.** Biologics shall have adequate refrigeration.

(e) **Radiology.** If pneumothorax or pneumoperitoneum is done in the institution there shall be a satisfactory fluoroscope. There shall be provision for diagnostic X-ray facilities readily accessible to the institution.

(f) **Laboratory.** Adequate laboratory service shall be provided in the institution or shall be readily accessible in an outside laboratory.*†

746. Equipment for Bedside Care. There shall be sufficient equipment for nursing care according to the type of patients accepted by the institution. The following is not a complete list of nursing equipment needed for the care of patients; the aim, rather, has been to include certain minimum essentials and point out special precautions which shall be taken in their use.

(a) **Linen.** Individual towels, wash cloths, and bath blankets (if indicated) shall be provided for each patient. Bedpan covers shall not be used interchangeably.

(b) **Utensils.** There shall be a sufficient number of wash basins, mouthwash cups, sputum receptacles, and bedpans, plainly marked, for the use of each individual patient, provided that where utensils are sterilized after each using they need not be kept individual. Approved methods of sterilizing such equipment shall be by one of the following methods:

(1) Submersion in boiling water for a minimum of 15 minutes.

(2) Autoclaving (15 lbs. pressure 250° F. for 20 to 30 minutes).

(3) Live steam sterilization for a minimum of five minutes.

(c) **Thermometers.** There shall be a sufficient number of thermometers to permit adequate disinfection before using.

*† For statutory and source citations, see note to §196.

(d) **Hot Water Bags.** Hot water bags shall be covered before placing in beds. If electric heating pads are used they shall be maintained in good repair. (It is recommended that hot water bags, if used, should be checked to see that the water is not too hot and that the bags are not leaking.)

(e) **Restraints. General.** Restraints may be applied only when they are necessary to prevent injury to the patient or others, shall be used only when alternative measures are not sufficient to accomplish these purposes, and on written order of physician. In applying restraints careful consideration shall be given to the methods by which they can be speedily removed in case of fire or other emergency.

In small institutions (six patients or less) side guards on the bed may be found adequate.

(f) **First Aid.** Equipment and supplies for first aid shall be readily available at all times.*†

747. Storage of Medicines. (a) All medicines, poisons, stimulants and other drugs or biologicals shall be plainly labeled and stored in a specially designated and well illuminated medicine cabinet, closet, refrigerator, or storeroom and made accessible only to responsible personnel.

(b) Narcotics shall be stored and dispensed subject to State and Federal Narcotic Regulations.

(c) Drugs individually prescribed and medicines for patients who have left the institution shall be discarded.*†

748. Sterilization of Supplies. (a) **Sterilizing Equipment.** There shall be provision for the proper sterilization of dressings, utensils, instruments and solutions, if such are used in the institution.

(b) **Check of Sterilizer Performance.** The hospital shall adopt a method of checking sterilizer performance approved by the Department.

(c) **Storage of Supplies.** A cabinet, cupboard, or other suitable enclosed space shall be provided for keeping sterile equipment and supplies in a clean, convenient and orderly manner. Special precautions shall be taken so that sterile supplies may not be mixed with unsterile supplies.*†

749. Hand-Washing Facilities. Adequacy. Hand-washing facilities (as defined in Section 736) shall be provided in examining and treatment rooms; in main and diet kitchens; in utility and other service rooms; in toilet rooms; and in rooms used for isolation of patients. Lavatories in other patients' rooms are desirable.*†

*† For statutory and source citations, see note to §196.

Article 10. Personnel

754. Medical Attendance. (a) All persons admitted to any institution covered by these standards shall be under the care of a person duly licensed to practice the healing arts in California. The name, address and telephone number of the physician or physicians attending each patient shall be recorded for ready reference.

(b) All institutions covered by these standards shall arrange for one or more duly licensed practitioners of the healing arts to be called in emergency.

(c) No medication or treatment shall be given in institutions covered by these standards except on the written order of one lawfully authorized to give such order.*†

755. Nursing Service. (a) **Nurse in Charge.** There shall be a registered nurse responsible for the nursing service of all institutions having more than six (6) patients.

(b) **Nursing and Other Personnel.** Sufficient personnel shall be employed to give adequate care to patients both day and night. Provisions shall be made for nursing coverage during vacation or other relief periods.*†

Article 11. Care of Patients

760. Care of Patients. Each patient shall daily be given such proper personal attention and care, including personal hygiene, as is ordered or indicated.

For patients isolated for non-tuberculous communicable diseases, an approved contagious disease technique shall be used.*†

Article 12. Records

763. Records. All records shall be permanent, either typewritten or legibly written with pen and ink. Records for adults shall be kept for seven years following the date of discharge. Records for minors shall be kept for one year after they reach the age of 21 years.

(a) A record shall be kept in a satisfactory manner, such as a bound book or permanent file, on a yearly basis, on each patient admitted to any hospital.

(b) The minimum record shall consist of:

Name
Admittance Address
Age
Sex
Marital Status (M S D W)
Date of Admission
Date of Discharge
Name and address of person or agency responsible for patient
Name, address and telephone number of attending physician
Diagnosis
Nursing notes
Medication orders
Progress notes
Complete history and physical examination
Temperature chart, including pulse and respiration
Admission and working diagnosis
Laboratory reports of all tests done, including X-ray reports
Condition of patient at time of discharge, with final diagnosis*†

*† For statutory and source citations, see note to §196.

Article 13. Reports

764. Reports. Any occurrence, such as epidemic outbreaks, poisonings or other unusual occurrences, which threaten the welfare, safety or health of any patient admitted to any of the institutions covered by the Hospital Licensing Law, or the rules and regulations pertaining thereto, shall be immediately reported, either by telephone or telegram to the local health department. The institution shall furnish such other pertinent information related to such occurrences as the State Department of Public Health may require.

All institutions shall submit annual reports to the State Department of Public Health on forms which will be supplied for this purpose. These reports shall consist of:

Bed capacity
Average percent bed occupancy
Average length of stay
Total number of patients admitted
Total number of patients discharged
 Against medical advice
 With positive sputum by concentration or smear methods
Total number of deaths
 Due to tuberculosis
 Other causes
Number of pneumothorax refills
 Patients
Number of pneumoperitoneum refills
 Patients
Number of autopsies
Change in structure or services during year
Contemplated changes*†

(§§696 to 764, inclusive, filed 9-18-46.)

*† For statutory and source citations, see note to §196.

Group 8. Tuberculosis Nursing Homes

Article
1. Definitions
2. General
3. License
4. Plans for Alteration or New Construction
5. Communication
6. Physical Plant
7. Food Sanitation
8. Accommodation of Patients
9. Facilities and Equipment for Care
10. Personnel
11. Care of Patients
12. Records
13. Reports

Article 1. Definitions

696. (a) **"Hospital"** shall mean any institution, place, building, or agency which maintains and operates organized facilities for the diagnosis, care and treatment of human illness, including convalescence and including care during and after pregnancy, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or longer. This includes sanatorium, rest home, nursng home, maternity home, lying-in asylum, and clinics providing overnight care.

(b) **"Hospitalization"** within the meaning of the Hospital Licensing Law, is admission to any hospital, institution, place, building, or agency which maintains and operates organized facilities for the diagnosis, care and treatment of human illness, including convalescence and including care during and after pregnancy, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or longer. This includes sanatorium, rest home, nursing home, maternity home, lying-in asylum, and clinics providing overnight care.

(c) **"Tuberculosis Nursing Homes."** A private home or institution which only admits patients with tuberculosis for bed care and does not provide the facilities for care as required of the Tuberculosis Hospitals or Sanatoria shall be considered a Tuberculosis Nursing Home, and shall conform to the requirements as herein set forth.

(d) **General Regulations.** No other type of patient shall be cared for in a Tuberculosis Nursing Home at any time. Boarders and lodgers shall not be accommodated. No children shall reside in a Tuberculosis Nursing Home.*†

(e) **Autoclave.** Wherever the term "autoclave" or "autoclaving" appears in these regulations it shall mean "15 lbs. pressure at a temperature of 250° F. for 20 to 30 minutes."

Article 2. General

697. General. All hospitals shall conform to the rules and regulations adopted by the State Fire Marshal establishing minimum standards for the prevention of fire and for the protection of life and property against fire and panic and shall secure a clearance relative to fire safety from the local fire authority or the State Fire Marshal, certifying that said hospital is complying with the minimum standards of fire prevention and protection established by the State Fire Marshal.

*† For statutory and source citations, see note to §196.

698. The hospital Rules and Regulations shall be made available to each employee of the institution and the personnel shall be familiar with the provisions of these Rules and Regulations.*†

Article 3. License

703. Separate Licenses Required. Separate licenses are required for institutions maintained in separate premises, even though they are operated under the same management; provided, however, that separate licenses are not required for separate buildings on the same grounds.*†

704. Posting of License. The license shall be conspicuously posted on the premises in the front office where patients are admitted.*†

705. Capacity. No hospital shall admit more patients than the number of beds for which it is licensed.*†

706. License Not Transferable. The hospital license is not transferable. The State Department of Public Health shall be notified of any change in ownership, name or location of the hospital and a new application shall be submitted.*†

Article 4. Submission of Plans for Alteration or New Construction

711. Plans for Alteration or New Construction. Plans for alteration or new construction of hospitals shall be prepared by a duly licensed architect. Before drawing preliminary plans for hospital construction architects should consult the publications of the Hospital Facilities Section, United States Public Health Service.

All new construction shall be required to conform to the Requirements for Tuberculosis Hospitals and Sanatoria, Group 7. The requirements therein set forth are minimum standards only. Hospital license will not be granted unless there is full compliance with all requirements.

When alterations or additions are contemplated the preliminary plans for such construction shall be submitted in quadruplicate to the State Department of Public Health for approval. The preliminary plans shall include, in detail, according to scale the following:

Plot Plan

1. Size and shape of entire site with over-all dimensions
2. Point of compass and data on prevailing and storm winds where significant
3. Topographical conditions (engineer's survey is required)
4. Location of proposed building on site, its future additions and existing structures
5. Traffic pattern and connections for food circulation, personnel and hospital visitors
6. Service roads and parking areas
7. Buildings on adjacent properties within 40 feet of property lines (indicate only)
8. Existing growth (trees) and natural barriers (rocks, cliffs, streams, etc.)
9. Adjacent streets, highways, sidewalks, railroads, etc. (Designate major highways, county roads, or residential streets)
10. Show existing sewers and public utilities

*† For statutory and source citations, see note to §196.

Elevations (same scale as plans, of at least two sides)

19. Finished floor and ceiling levels
20. Finished outside grades
21. Windows, doors, steps, areas, retaining walls, etc.
22. Materials, especially as related to acoustics and maintenance

Sections (same scale, to explain condition not made clear in other drawings)

Miscellaneous

23. Dates of drawings and revisions
24. For auditorium-assembly units of teaching hospitals, seating over 100, evidence that acoustical adequacy has been considered in shape and form

When alterations or additions to existing buildings are contemplated, any or all of the above requirements may be waived by specific authorization of the State Department of Public Health upon submission of satisfactory evidence to justify such waiver.

All proposed new hospital construction or alterations shall meet the standards of the 1946 edition of the Uniform Building Code of the Pacific Coast Building Officials Conference. In the event of conflict between the Uniform Building Code and the rules and regulations of the State Board of Public Health, as they pertain to new construction or alteration of hospitals, the standards of the State Board of Public Health shall prevail. The requirements herein set forth are minimum standards only. Hospital license will not be granted unless there is compliance with all requirements.

After the preliminary plans and drawings have been submitted and tentatively approved by the State Department of Public Health, within three weeks of receipt one copy will be returned to the applicant for corrections. The applicant shall then submit, in quadruplicate, blue prints of working drawings and specifications, with the required revisions, to the State Department of Public Health for comparison with the approved preliminary plans, before contract is let, at which time the State Department of Public Health will formally approve the plans or return same for correction, in which case they are to be re-submitted for final approval. The final approved plans shall then be returned within three weeks.

It is recognized that change orders may be necessary during the course of construction. Telephone or telegraph communication with the State Department of Public Health is required and approval or rejection will be given within a reasonable time on all change orders affecting the health and/or safety of the patient. This approval will be confirmed in writing by both the architect and the State Department of Public Health.*†

Article 5. Communication

634. Communication. There shall be a telephone in the central building, and additional telephones or extensions as required to summon help promptly in case of fire or other emergency.*†

*† For statutory and source citations, see note to §196.

Article 6. Physical Plant

636. Construction. (a) **Existing Facilities.** (1) Walls and floors shall be of a character to permit either frequent washing, cleaning or painting.

(2) The construction of the building shall be such as to prevent the entrance and harborage of rats and other rodents.

(3) The building shall be kept in good repair, clean and sanitary at all times.

(4) Construction shall provide for the safety and protection of patients and personnel.

(b) **New Construction.** (1) **Storage.** General storage space of a minimum of 20 square feet per bed shall be provided.

(2) **Ceilings.** Ceiling height shall be a minimum of eight feet in all areas of the hospital except in operating room suites, emergency suites, and X-ray suites, which shall have a minimum height of nine feet six inches.

(3) **Corridors.** Minimum width of corridors of infirmary type hospitals shall be eight (8) feet, except in alterations where the present type of construction does not permit, in which case, by arrangement with the State Department of Public Health, the minimum width may be six (6) feet.*†

637. Heating. Heating plant or facilities shall be adequate to maintain a comfortable temperature for patients and personnel in the institution, at all times.*†

638. Sanitation. (a) **Water Supply.** The water supply shall be of safe, sanitary quality, suitable for use, and shall be obtained from a water supply system, the location, construction, and operation of which comply with the standards approved by the local health department and the State Department of Public Health. The water shall be distributed to adequate and conveniently located taps in the building. Adequate hot water, minimum temperature of 110° F., shall be available.

(b) **Sewage Disposal.** Sewage shall be discharged into a public sewerage system where such a system is available; otherwise sewage shall be disposed of in an independent sewerage system approved by the local health department and the State Department of Public Health.

(c) **Plumbing.** Toilet facilities shall be provided in reasonable ratio according to the number, type and sex of patients cared for, and personnel of the institution.

The plumbing and drainage or other arrangements for the disposal of excreta and infectious discharges and institutional wastes, shall be in accordance with Sections 17456 to 17466, inclusive, of the Health and Safety Code and will be used by the State Department of Public Health for approval.

Cross connections in plumbing, between safe and potentially unsafe water supplies are prohibited. This refers particularly to toilets, instrument sterilizers, autoclaves, laundry fixtures, boiler rooms, bedpan

*† For statutory and source citations, see note to §196.

Department of Public Health for approval. The preliminary plans shall include, in detail, according to scale the following:

Plot Plan

1. Size and shape of entire site with over-all dimensions
2. Point of compass and data on prevailing and storm winds where significant
3. Topographical conditions (engineer's survey is required)
4. Location of proposed building on site, its future additions and existing structures
5. Traffic pattern and connections for food circulation, personnel and hospital visitors
6. Service roads and parking areas
7. Buildings on adjacent properties within 40 feet of property lines (indicate only)
8. Existing growth (trees) and natural barriers (rocks, cliffs, streams, etc.)
9. Adjacent streets, highways, sidewalks, railroads, etc. (Designate major highways, county roads, or residential streets)
10. Show existing sewers and public utilities

Floor Plan

11. Location, sizes and purposes of all rooms
12. Location of all doors, windows, door swings, etc.
13. Location of plumbing fixtures, bulletin boards, built-in equipment and casework
14. Schematic drawings of mechanical layouts, electrical layouts, and heating and ventilating layouts
15. Over-all dimensions
16. Possible future additions to the building
17. Tentative furniture and equipment layouts, including nurses' stations
18. Indicate the location of outside telephone communication and probable extensions

Elevations (same scale as plans, of at least two sides)

19. Finished floor and ceiling levels
20. Finished outside grades
21. Windows, doors, steps, areas, retaining walls, etc.
22. Materials, especially as related to acoustics and maintenance

Sections (same scale, to explain condition not made clear in other drawings)

Miscellaneous

23. Dates of drawings and revisions
24. For auditorium-assembly units of teaching hospitals, seating over 100, evidence that acoustical adequacy has been considered in shape and form

All proposed new hospital construction or alterations shall meet the standards of the 1946 Uniform Building Code of the Pacific Coast Building Officials Conference. In the event of conflict between the Uniform Building Code and the Rules and Regulations of the State Board of Public Health, as they pertain to new construction or alteration of hospitals, the standards of the State Board of Public Health shall prevail. The requirements herein set forth are minimum standards only. Hospital license will not be granted unless there is full compliance with all requirements.

After the preliminary plans and drawings have been submitted and tentatively approved by the State Department of Public Health, within three weeks of receipt one copy will be returned to the applicant for cor-

rections. The applicant shall then submit, in quadruplicate, blueprints of working drawings and specifications, with the required revisions, to the State Department of Public Health for comparison with the approved preliminary plans, before contract is let, at which time the State Department of Public Health will formally approve the plans or return same for correction, in which case they are to be resubmitted for final approval. The final approved plans shall then be returned within three weeks.

It is recognized that change orders may be necessary during the course of construction. Telephone or telegraph communication with the State Department of Public Health is required and approval or rejection will be given within a reasonable time on all change orders affecting the health and/or safety of the patient. This approval will be confirmed in writing by both the architect and the State Department of Public Health.*†

Article 3. Communication

453. Communication. There shall be a telephone in the building, and additional telephones or extensions as required to summon help promptly in case of fire or other emergency.*†

Article 4. Physical Plant

455. Construction. (a) **Existing Facilities.** (1) Walls and floors shall be of a character to permit either frequent washing, cleaning or painting.

(2) The construction of the building shall be such as to prevent the entrance and harborage of rats and other rodents.

(3) The building shall be kept in good repair, clean and sanitary at all times.

(4) Construction shall provide for the safety and protection of patients and personnel.

(b) **New Construction.**

(1) **Hospitals of Less Than 100 Beds. Total floor areas** for various functions in the hospital per bed shall be a minimum, in conformity with acceptable hospital administration and practice. (Ref. Hospital Facilities Section, States Relation Division, United States Public Health Service, etc.)

(A) **Storage.** General storage space of a minimum of 20 square feet per bed shall be provided.

(B) **Ceilings.** Ceiling height shall be a minimum of eight feet in all areas of the hospital except in operating room suites, delivery room suites, emergency suites, and X-ray suites, which shall have a minumum height of nine feet six inches.

(C) **Corridors.** Minimum width of corridors shall be eight (8) feet.

(D) **Dressing Rooms.** Adequate dressing rooms with toilet, shower, lavatory and lockers shall be provided for doctors and nurses in the delivery suite.

*† For statutory and source citations, see note to §196.

(2) **Hospitals of 100 or More Beds.** Such hospitals in the future shall be Type I construction as defined in the 1946 Uniform Building Code of the Pacific Coast Building Officials Conference.

(A) **Floors** of operating suites, delivery rooms, sterilizing rooms, treatment rooms shall be of impervious floor finish, such as title or terrazzo or its equal. In the above mentioned rooms and areas where anesthetic gases are used metal grid or conductive floors shall be provided.

(B) **Walls** of the operating suites, delivery rooms, sterilizing rooms and treatment rooms shall be either terrazzo, tile or its equal to a minimum of six foot wainscoat. It is preferable that tile should extend completely up the wall.

(C) **Ceilings.** Ceiling height shall be a minimum of eight feet in all areas of the hospital except in operating room suites, delivery room suites, emergency suites, and X-ray suites, which shall have a minimum height of nine feet six inches. Ceilings in labor rooms, nurseries, utility rooms and nursing stations shall have acoustical treatment. (It is recommended that corridors, pantries, dish-washing and dining areas be similarly treated.)

(D) **Vision panels** shall be required in all double-acting doors.

(E) **Insulation.** Adequate insulation shall be provided on all exterior walls and roofs.

(F) **Corridors.** Minimum width of all corridors shall be eight (8) feet.

(G) **Stairways.** Stairways shall have a minimum width of three feet eight inches. (It is recommended that hospital architects and administrators consult proper references before planning. Such information may be obtained through the Bureau of Hospital Inspection.)

(H) **Dressing Rooms.** Adequate dressing rooms with toilet, shower, lavatory and locker shall be provided for doctors and nurses in the delivery suite.

(I) **Storage.** General storage space of a minimum of 20 square feet per bed shall be provided.*†

456. Heating. Heating plant shall be adequate to maintain a comfortable temperature for patients and personnel in the institution, at all times.*†

*† For statutory and source citations, see note to §196.

457. Sanitation. (a) **Water Supply.** The water supply shall be of safe, sanitary quality, suitable for use, and shall be obtained from a water supply system, the location, construction, and operation of which comply with the standards approved by the local health department and the State Department of Public Health. The water shall be distributed to adequate and conveniently located taps in the building. Adequate hot water, minimum temperature of 110° F., shall be available.

(b) **Sewage Disposal.** Sewage shall be discharged into a public sewerage system where such a system is available; or the sewage shall be collected, treated and disposed of in an independent sewerage system; either shall have the approval of the local health department and the State Department of Public Health.

(c) **Plumbing.** Toilet facilities shall be provided in reasonable ratio according to the number, type and sex of patients cared for, and personnel of the institution.

The plumbing and drainage or other arrangements for the disposal of excreta and infectious discharges and institutional wastes, shall be in accordance with Sections 17456 and 17466 inclusive of the Health and Safety Code and will be used by the State Department of Public Health for approval.

Cross connections in plumbing, between safe and potentially unsafe water supplies are prohibited. This refers particularly to toilets, hoppers, or other fixtures of similar nature. Water shall be delivered to any fixture, equipment, or service above the rim, or points of overflow. All submerged intakes to plumbing fixtures are prohibited unless they are satisfactorily protected against back siphonage.

New Construction. Bathroom facilities with showers and toilets shall be provided.

(d) **Garbage Disposal.** All garbage shall be stored and disposed of in a manner that will not permit the transmission of a contagious disease, create a nuisance, or provide a breeding place for flies. All containers for garbage shall be water-tight, have tight-fitting covers, and be rodent proof. Refrigeration of garbage is desirable. Immediately after emptying of garbage cans they shall be properly steamed.

New Construction. A room or screened enclosure with cement floor properly drained and connected to the sewer, with hot and cold water or steam connections, shall be provided for the storage, washing and cleansing of garbage cans.

(e) **Screens.** Adequate screens of 16 meshes per inch to protect against flies and other insects shall be provided on doors and windows where necessary. No doors shall be in conflict with fire and panic laws.*†

458. Lighting. (a) **Adequacy.** Each patient's room shall be an outside room with a satisfactory amount of unobstructed natural light. The minimum window area shall be not less than one-eighth of the superficial floor area. More window area is highly desirable.

*† For statutory and source citations, see note to §196.

Floor Plan

11. Location, sizes and purposes of all rooms
12. Location of all doors, windows, door swings, etc.
13. Location of plumbing fixtures, bulletin boards, built-in equipment and casework
14. Schematic drawings of mechanical layouts, electrical layouts, and heating and ventilating layouts
15. Over-all dimensions
16. Possible future additions to the building
17. Tentative furniture and equipment layouts, including nurses' stations
18. Indicate the location of outside telephone communication and probable extensions

Elevations (same scale as plans, of at least two sides)

19. Finished floor and ceiling levels
20. Finished outside grades
21. Windows, doors, steps, areas, retaining walls, etc.
22. Materials, especially as related to acoustics and maintenance

Sections (same scale, to explain condition not made clear in other drawings)

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23. Dates of drawings and revisions
24. For auditorium-assembly units of teaching hospitals, seating over 100, evidence that acoustical adequacy has been considered in shape and form

All proposed new hospital construction or alteration shall meet the standards of the 1946 Uniform Building Code of the Pacific Coast Building Officials Conference. In the event of conflict between the Uniform Building Code and the Rules and Regulations of the State Board of Public Health, as they pertain to new construction or alteration of hospitals, the standards of the State Board of Public Health shall prevail. The requirements herein set forth are minimum standards only. Hospital license will not be granted unless there is full compliance with all requirements.

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It is recognized that change orders may be necessary during the course of construction. Telephone or telegraph communication with the State Department of Public Health is required and approval or rejection will be given within a reasonable time on all change orders affecting the health and/or safety of the patient. This approval will be confirmed in writing by both the architect and the State Department of Public Health.*†

*† For statutory and source citations, see note to §196.

Article 5. Communication

374. Communication. There shall be a telephone in the building, and additional telephones or extensions as required to summon help promptly in case of fire or other emergency.*†

Article 6. Physical Plant

376. Construction. (a) **Existing Facilities.** (1) Walls and floor shall be of a character to permit either frequent washing, cleaning or painting.

(2) The construction of the building shall be such as to prevent the entrance and harborage of rats and other rodents.

(3) The building shall be kept in good repair, clean and sanitary at all times.

(4) Construction shall provide for the safety and protection of patients and personnel.

(b) **New Construction.** Such hospitals in the future shall be Type I construction as defined in the 1946 Uniform Building Code of the Pacific Coast Building Officials Conference.

(1) **Total floor areas** for various functions in the hospital per bed shall be a minimum in conformity with acceptable hospital administration and practice. (Ref. Hospital Facilities Section, States Relation Division, United States Public Health Service, etc.)

(2) **Floors** of operating suites, delivery rooms, sterilizing rooms, treatment rooms shall be of impervious floor finish, such as tile or terrazzo or its equal. In the above mentioned rooms and areas where anaesthetic gases are used metal grid or conductive floors shall be provided.

(3) **Walls** of the operating suites, delivery rooms, sterilizing rooms and treatment rooms shall be either terrazzo, tile or its equal to a minimum of six foot wainscoat. It is preferable that tile should extend completely up the wall.

(4) **Ceilings** in labor rooms, nurseries, utility rooms and nursing stations shall have acoustical treatment. (It is recommended that corridors, pantries, dish-washing and dining areas be similarly treated.)

(5) **Vision panels** shall be required in all double-acting doors.

(6) **Insulation.** Adequate insulation shall be provided on all exterior walls and roofs.

(7) **Storage.** General storage space of a minimum of 20 square feet per bed shall be provided.

*† For statutory and source citations, see note to §196.

Floor Plan

11. Location, sizes and purposes of all rooms
12. Location of all doors, windows, door swings, etc.
13. Location of plumbing fixtures, bulletin boards, built-in equipment and casework
14. Schematic drawings of mechanical layouts, electrical layouts, and heating and ventilating layouts
15. Over-all dimensions
16. Possible future additions to the building
17. Tentative furniture and equipment layouts, including nurses' stations
18. Indicate the location of outside telephone communication and probable extensions

Elevations (same scale as plans, of at least two sides)

19. Finished floor and ceiling levels
20. Finished outside grades
21. Windows, doors, steps, areas, retaining walls, etc.
22. Materials, especially as related to acoustics and maintenance

Sections (same scale, to explain condition not made clear in other drawings)

Miscellaneous

23. Dates of drawings and revisions
24. For auditorium-assembly units of teaching hospitals, seating over 100, evidence that acoustical adequacy has been considered in shape and form

All proposed new hospital construction or alteration shall meet the standards of the 1946 Uniform Building Code of the Pacific Coast Building Officials Conference. In the event of conflict between the Uniform Building Code and the Rules and Regulations of the State Board of Public Health, as they pertain to new construction or alteration of hospitals, the standards of the State Board of Public Health shall prevail. The requirements herein set forth are minimum standards only. Hospital license will not be granted unless there is compliance with all requirements.

After the preliminary plans and drawings have been submitted and tentatively approved by the State Department of Public Health, within three weeks of receipt one copy will be returned to the applicant for corrections. The applicant shall then submit, in quadruplicate, blue prints of working drawings and specifications, with the required revisions, to the State Department of Public Health for comparison with the approved preliminary plans, before contract is let, at which time the State Department of Public Health will formally approve the plans or return same for correction, in which case they are to be resubmitted for final approval. The final approved plans shall then be returned within three weeks.

It is recognized that change orders may be necessary during the course of construction. Telephone or telegraph communication with the State Department of Public Health is required and approval or rejection will be given within a reasonable time on all change orders affecting the health and/or safety of the patient. This approval will be confirmed in writing by both the architect and the State Department of Public Health.*†

*† For statutory and source citations, see note to §196.

Article 5. Communication

294. Communication. There shall be a telephone in the building, and additional telephone or extensions as required to summon help promptly in case of fire or other emergency.*†

Article 6. Physical Plant

296. Construction. (a) **Existing Facilities.** (1) Walls and floors shall be of a character to permit either frequent washing, cleaning or painting.

(2) The construction of the building shall be such as to prevent the entrance and harborage of rats and other rodents.

(3) The building shall be kept in good repair, clean and sanitary at all times.

(4) Construction shall provide for the safety and protection of patients and personnel.

(b) **New Construction.** (1) Total floor areas for various functions in the hospital per bed shall be a minimum in conformity with acceptable hospital administration and practice. (Ref. Hospital Facilities Section, States Relation Division, United States Public Health Service, etc.)

(2) **Storage.** General storage space of a minimum of 20 square feet per bed shall be provided.

(3) **Ceilings.** Ceiling height shall be a minimum of eight feet in all areas of the hospital except in operating room suites, emergency suites, and X-ray suites, which shall have a minimum height of nine feet six inches.

(4) **Corridors.** Minimum width of corridors shall be eight (8) feet.*†

297. Heating. Heating plant shall be adequate to maintain a comfortable temperature for patients and personnel in the institution, at all times.*†

298. Sanitation. (a) **Water Supply.** The water supply shall be of safe, sanitary quality, suitable for use, and shall be obtained from a water supply system, the location, construction, and operation of which comply with the standards approved by the local health department and the State Department of Public Health. The water shall be distributed to adequate and conveniently located taps in the building. Adequate hot water (minimum temperature of 110° F.) shall be available.

(b) **Sewage Disposal.** Sewage shall be discharged into a public sewerage system where such a system is available; or the sewage shall be collected, treated and disposed of in an independent sewerage system; either shall have the approval of the local health department and the State Department of Public Health.

(c) **Plumbing.** Toilet facilities shall be provided in reasonable ratio according to the number, type and sex of patients cared for, and personnel of the institution.

The plumbing and drainage or other arrangements for the disposal of excreta and infectious discharges and institutional wastes, shall be in

*† For statutory and source citations, see note to §196.

Floor Plan

11. Location, sizes and purposes of all rooms
12. Location of all doors, windows, door swings, etc.
13. Location of plumbing fixtures, bulletin boards, built-in equipment and casework
14. Schematic drawings of mechanical layouts, electrical layouts, and heating and ventilating layouts
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22. Materials, especially as related to acoustics and maintenance

Sections (same scale, to explain condition not made clear in other drawings)

Miscellaneous

23. Dates of drawings and revisions
24. For auditorium-assembly units of teaching hospitals, seating over 100, evidence that acoustical adequacy has been considered in shape and form

All proposed new hospital construction or alterations shall meet the standards of the 1946 Uniform Building Code of the Pacific Coast Building Officials Conference. In the event of conflict between the Uniform Building Code and the Rules and Regulations of the State Board of Public Health, as they pertain to new construction or alteration of hospitals, the standards of the State Board of Public Health shall prevail. The requirements herein set forth are minimum standards only. Hospital license will not be granted unless there is full compliance with all requirements.

After the preliminary plans and drawings have been submitted and tentatively approved by the State Department of Public Health, within three weeks of receipt one copy will be returned to the applicant for corrections. The applicant shall then submit, in quadruplicate, blue prints of working drawings and specifications, with the required revisions, to the State Department of Public Health for comparison with the approved preliminary plans, before contract is let, at which time the State Department of Public Health will formally approve the plans or return same for correction, in which case they are to be resubmitted for final approval. The final approved plans shall then be returned within three weeks.

It is recognized that change orders may be necessary during the course of construction. Telephone or telegraph communication with the State Department of Public Health is required and approval or rejection will be given within a reasonable time on all change orders affecting the health and/or safety of the patient. This approval will be confirmed in writing by both the architect and the State Department of Public Health.*†

*† For statutory and source citations, see note to §196.

Article 5. Communication

214. Communication. There shall be a telephone in the building, and additional telephones or extensions as required to summon help promptly in case of fire or other emergency.*†

Article 6. Physical Plant

216. Construction. (a) **Existing Facilities.** (1) Walls and floors shall be of a character to permit either frequent washing, cleaning or painting.

(2) The construction of the building shall be such as to prevent the entrance and harborage of rats and other rodents.

(3) The building shall be kept in good repair, clean and sanitary at all times.

(4) Construction shall provide for the safety and protection of patients and personnel.

(b) **New Construction.** (1) Any nursing, convalescent or rest home not in existence on January 1, 1946 shall be required to provide a one-hour fire resistive building if one story in height, or Type I if multi-storied.

(2) **Ceilings.** Minimum height of ceilings shall be eight (8) feet.

(3) **Storage.** General storage space of a minimum of 20 square feet per bed shall be provided.*†

217. Heating. Heating plant shall be adequate to maintain a comfortable temperature for patients and personnel in the institution, at all times.*†

218. Sanitation. (a) **Water Supply.** The water supply shall be of safe, sanitary quality, suitable for use, and shall be obtained from a water supply system, the location, construction, and operation of which comply with the standards approved by the local health department and the State Department of Public Health. The water shall be distributed to adequate and conveniently located taps in the building. Adequate hot water (minimum temperature of 110° F.) shall be available.

(b) **Sewage Disposal.** Sewage shall be discharged into a public sewerage system where such a system is available; or the sewage shall be collected, treated and disposed of in an independent sewerage system; either shall have the approval of the local health department and the State Department of Public Health.

(c) **Plumbing.** Toilet facilities shall be provided in reasonable ratio according to the number, type and sex of patients cared for, and personnel of the institution.

The plumbing and drainage or other arrangements for the disposal of excreta and infectious discharges and institutional wastes, shall be in accordance with Sections 17456 to 17466 inclusive of the Health and Safety Code and will be used by the State Department of Public Health for approval.

*† For statutory and source citations, see note to §196.

CHAPTER 14. BOARD OF NURSE EXAMINERS

Printed December 5, 1946

Article
1. General Provisions
Article
2. Registration

Article 1. General Provisions

1400. Location of Offices. The principal office of the Board of Nurse Examiners is located at 555 Business and Professions Building, 1020 N Street, Sacramento 14, California, and branch offices of the Board are located as follows:

(a) 515 Van Ness Avenue, San Francisco 2, California.

(b) 906 California State Building, Los Angeles 12, California.

NOTE. §§1400 to 1413, inclusive, issued under authority contained in Section 2715 of the Business and Professions Code. Source of §§1400 to 1413, inclusive, is the Rules and Regulations of the Board of Nurse Examiners.

1401. Tenses, Gender, and Number. For the purpose of the rules and regulations contained in this subchapter, the present tense includes the past and future tenses, and the future, the present; each gender includes the other two genders; and the singular includes the plural and the plural, the singular.

1402. Definitions. For the purpose of the rules and regulations contained in this subchapter, the term "Board" means the Board of Nurse Examiners; and the term "Code" means the Business and Professions Code.

1403. Delegation of Certain Functions. The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpenas and subpenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive secretary, or, in his absence from the office of the Board, the president of the Board.

1404. Filing of Addresses. Each person holding a certificate of registration, license or any other authority to practice nursing or engage in any activity under any and all laws administered by the Board shall file his proper and current mailing address with the Board at its office in Sacramento and shall immediately notify the Board at its said office of any and all changes of mailing address, giving both his old and his new address.

Article 2. Registration

1409. Issuance of License. A license as a registered nurse shall be issued only by examination except as provided in Section 2733 of the code.

1410. Application. (a) An application for a license as a registered nurse by examination shall be submitted on an application form prescribed and provided by the Board, accompanied by such evidence, statements, or documents as therein required, and filed with the Board at its office in Sacramento at least three (3) weeks prior to the date fixed for the examination.

(b) An application for a license as a registered nurse without examination under the provisions of Section 2733 of the code shall be submitted on an application form prescribed and provided by the Board, accompanied by such evidence, statements, or documents as therein required, and filed with the Board at its office in Sacramento.

1411. Authority of Executive Secretary and General Requirements for Registration. (a) The executive secretary is authorized to approve applications for registration meeting the requirements of class work and clinical experience in effect under the Bureau of Registration of Nurses or the Board of Nurse Examiners, at the time they were pursued.

(b) The executive secretary is authorized to reject the application of any nurse who fails to meet the requirements of the Bureau of Registration of Nurses or the Board of Nurse Examiners prevalent at the time that nurse pursued her course. She shall refer to the Board such applications as she considers questionable and those applications which have been rejected and where the applicant has requested reconsideration.

(c) An applicant who satisfactorily completed a course in nursing in an accredited school of nursing prior to September 15, 1935, or who was enrolled in such a school prior to that date and completed a course without interruption, may be accepted with a minimum of twenty-eight (28) months of study if such applicant otherwise meets the requirements of the law and the requirements of the Bureau of Registration of Nurses in effect during the period such applicant was a student.

History: 1. Originally published 12-5-46 (Title 16).
2. Amendment filed 9-23-47 (Register 10, No. 1).

1412. Failure in Two Examinations. An applicant who fails two (2) examinations shall be required to complete an additional four (4) months' course of study in nursing as designated by the Board before he will be eligible to take a third examination.

1413. Failure in Three Examinations. An applicant who fails three (3) examinations shall be required to complete an additional four (4) months' course of study in nursing as designated by the Board before he will be eligible to take a fourth examination.

(b) A request for review must be filed with the Board in Sacramento at least two (2) weeks prior to the next regular meeting following the examination in which the applicant failed.

(c) No examination paper will be reviewed by the Board if the applicant has received a general average of less than 74-5/9 percent or received less than 60 percent in more than one subject.

(d) When a request for review has been filed by an applicant who has been given a general average of 74-5/9 percent and has not received less than 60 percent in more than one subject, the requested review of his examination shall be conducted by the nine examiners at the next regular meeting of the Board. *†

1327. Failure in Two Oral Examinations. An applicant failing in two (2) oral examinations within any twelve (12) months' period shall not be admitted to a third oral examination until a period of one (1) year has elapsed from the date of the second failure. *†

Article 6. Foreign Medical School Graduates

1330. Requirements of Foreign Medical School Graduates. (a) A graduate of an approved foreign medical school who has filed with the Board on or before March 31, 1941, the Board's Form 172-173, duly completed, or in lieu thereof, who presents evidence satisfactory to the Board that on or before March 31, 1941, such applicant had been accepted as an intern by a hospital approved by the Board for the training of interns, said internship to commence not later than January 1, 1942, shall be deemed to have registered as an intern within the meaning of Statutes 1941, Chapter 751, and shall, upon complying with the other requirements of law, be admitted to written examination.

(b) An applicant seeking to qualify under the latter of the above-mentioned alternative methods, shall furnish to the Board either originals or photostatic copies of all correspondence, contracts and other documents between the applicant and the hospital, establishing the fact of acceptance by said hospital.

(c) The requirements of Section 2193 (d) of the code shall be deemed to have been met by the applicant therein referred to, only if the senior or fourth year is completed in one (1) approved medical school in the United States, or when the one year's rotating internship exacted of foreign medical school graduates has been completed in one (1) hospital located in the United States and approved by the Board for the training of interns.

(d) The following hospitals, and no others, are hereby approved by this Board for the training of interns in accordance with Section 2193 of the code, namely:

*† For statutory and source citations, see note to §1300.

Name of Hospital	*Location*
San Joaquin General Hospital	French Camp
General Hospital of Fresno County	Fresno
Glendale Sanitarium and Hospital	Glendale
Loma Linda Sanitarium and Hospital	Loma Linda
California Hospital	Los Angeles
Cedars of Lebanon Hospital	Los Angeles
Hospital of the Good Samaritan	Los Angeles
Presbyterian Hospital—Olmsted Memorial	Los Angeles
Los Angeles County Hospital	Los Angeles
Queen of Angels Hospital	Los Angeles
St. Vincent's Hospital	Los Angeles
Santa Fe Coast Lines Hospital	Los Angeles
White Memorial Hospital	Los Angeles
Highland-Alameda County Hospital	Oakland
Permanente Foundation Hospital	Oakland
Orange County General Hospital	Orange
Collis P. and Howard Huntington Memorial Hospital	Pasadena
Sacramento County Hospital	Sacramento
San Bernardino County Charity Hospital	San Bernardino
San Diego County General Hospital	San Diego
Children's Hospital	San Francisco
Franklin Hospital	San Francisco
French Hospital	San Francisco
Mary's Help Hospital	San Francisco
Mount Zion Hospital	San Francisco
St. Joseph's Hospital	San Francisco
St. Luke's Hospital	San Francisco
St. Mary's Hospital	San Francisco
San Francisco Hospital	San Francisco
Southern Pacific General Hospital	San Francisco
United States Marine Hospital	San Francisco
Santa Clara County Hospital	San Jose
St. Francis Hospital	Santa Barbara
Santa Barbara Cottage Hospital	Santa Barbara
Santa Barbara General Hospital	Santa Barbara
Santa Monica Hospital	Santa Monica

and other hospitals located in the United States but outside the State of California that meet the standards of the American Medical Association, Council on Medical Education and Hospitals, for a rotating type internship.

The foregoing approval of the Board is effective as of the tenth day of June, 1946, and until further order of the Board. The said approval is without prejudice to, and shall not be deemed to have affected, the standing, status or approval of any hospital for the training of interns for the purposes of Section 2193 of the code, or the consideration of any such hospitals by the Board, whether approved or otherwise, at any time or for any period prior to said tenth day of June, 1946, which standing, status and approval of such hospitals and each and any of them, shall be and remain as determined by the Board prior to said tenth day of June, 1946.

(e) The following hospitals are hereby approved by the Board for the training of interns in accordance with Section 2193 of the code, effective as of October 24, 1946, namely:

Name of Hospital	*Location*
Mercy Hospital	San Diego
St. John's Hospital	Santa Monica

*† For statutory and source citations, see note to §1300.

CHAPTER 13. BOARD OF MEDICAL EXAMINERS

Printed December 5, 1946

Article
1. General Provisions
2. Applications
3. Education
4. Reciprocity
5. Examinations
6. Foreign Medical School Graduates
7. Hospitals
8. Certificates and Change of Name
9. Modification of Probation and Restoration of Revoked Certificates
10. Schools and Colleges
11. Chiropodists

Article 1. General Provisions

1300. Location of Offices. The principal office of the Board of Medical Examiners is located at 536 Business and Professions Building, 1020 N Street, Sacramento 14, California, and branch offices of the Board are located at:

(a) 907 California State Building, Los Angeles 12, California
(b) 515 Van Ness Avenue, San Francisco 2, California

NOTE.—§§1300 to 1369, inclusive, issued under authority contained in Section 2119 of the Business and Professions Code. Source of §§1300 to 1369, inclusive, is the Rules and Regulations of the State Board of Medical Examiners.

1301. Tenses, Gender, and Number. For the purpose of the rules and regulations contained in this subchapter, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.*†

1302. Definitions. For the purpose of the rules and regulations contained in this subchapter, the term "Board" means the Board of Medical Examiners and the term "Code" means the Business and Professions Code.*†

1303. Delegation of Certain Functions. The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code, issue subpenas and subpenas duces tecum, set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Section 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification of decisions of the Board and delivery or mailing of copies of such decisions pursuant to Section 11518 of said Government Code and pursuant to the code are hereby delegated to and conferred upon the secretary-treasurer or, in his absence from the office of the Board, the assistant secretary.*†

1304. Filing of Addresses by Licensees. Each person holding a certificate of registration, license, permit or any other authority to

*† For statutory and source citations, see note to §1300.

practice any of the healing arts under any and all laws administered by the Board is hereby directed and required to file with this Board his proper and current mailing address and to report immediately to the Board at its Sacramento office any and all changes of addresses, giving both his old and his new address.*†

Article 2. Applications

1308. Applications and Refund of Fees. (a) An application shall be denied without prejudice and a refund of the application fee will be made, when in the discretion of the Board, an applicant does not exercise due diligence in the completion of his application or in reporting for examination.

(b) An applicant for written or oral examination, who, without a reason satisfactory to the Board, permits four examinations to elapse without reporting for examination, will be refunded whatever fee is due under Section 2458 of the code. Should such applicant subsequently decide to appear for examination, he will be required to file the full application fee required by statute.

(c) When an application fee has been refunded on request the applicant must pay the full fee upon filing a subsequent application or subsequently requesting that his application be reconsidered.

(d) When an applicant receives a notice on which appear the words "Referred to Board," he will be required to appear before the Board on the first day of the meeting and at such time as can be arranged suiting the convenience of the Board, for a discussion of the credentials he has filed in connection with his application.*†

1309. Accompanying Photograph of Diploma. (a) A photographic copy of his diploma, in lieu of the original, may be furnished by the applicant for permanent filing with the Board. This photographic copy will be accepted in lieu of presentation of the diploma itself.

(b) In the case where the diploma has been lost and the medical college which issued the original diploma has been closed, a certification of the records made by the executive officer of the medical examining board of the state in which he was licensed, giving the date appearing on the diploma, will be accepted when duly signed and sealed.*†

1310. Evidence of Good Moral Character. Certificates of good moral character presented on any application will be acceptable only when signed by individuals licensed to practice the particular system of the healing art followed by the applicant, excepting in the instance of registered dispensing opticians and midwives.*†

1311. Government Credentials. An applicant basing his application upon a commission as a medical officer of the Medical Corps of the United States Army, Navy or Public Health Service must file a copy of the record of the proceedings resulting in such commission, officially certified or authenticated by the officer in charge, showing the nature and

*† For statutory and source citations, see note to §1300.

(b) **Bidder's Bond Used on Service Agreements for Relocation of Houses in Lieu of Payment for Right of Way** (Section 136.5, Streets and Highways Code):

Know All Men by These Presents:

That we, _____ of _____, California, as Principal, and _____, a corporation duly organized and doing business under and by virtue of the laws of the State of _____, and duly authorized to transact business in the State of California, as Surety, are held and firmly bound unto the State of California, Department of Public Works, Division of Highways, hereinafter called the Obligee, in the sum of _____dollars ($_____), lawful money of the United States of America, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION of the foregoing obligation is such that:

WHEREAS, The above bounden Principal contemplates submitting bids from time to time during the period commencing the_____day of_____, 194___, to the State Department of Public Works, Division of Highways, for performing certain work under service agreements, and desires that all such bids submitted during such period be covered by this bond in lieu of a deposit of cash, cashier's check, certified check, or surety bond with each bid.

NOW, THEREFORE, If the above bounden Principal shall, within the required time, enter into a written contract or service agreement in accordance with the bid as accepted and shall give bond or bonds with good and sufficient Surety or Sureties, as may be required, for the faithful performance and proper fulfillment of such contract, and for the payment of all claims for labor, material, equipment rental, and other things as required by the laws of the State of California, then this obligation shall be null and void, otherwise to remain in full force and effect.

Subject however to the following conditions:

(1) If the Principal shall fail to enter into the contract as awarded and to furnish the required bond or bonds, then an amount equal to the difference between the Principal's bid and the amount for which the Department of Public Works may procure the required work, or an amount not exceeding 10 per cent of the Principal's bid, whichever is lower, shall be forfeited to the State of California, Department of Public Works, Division of Highways, as liquidated damages.

(2) In no event shall the liability of the Surety either for one or more bids exceed the penal sum of this bond, not including costs, expenses or attorney's fees.

(3) In the event of any suit filed against this bond, the Obligee shall be entitled to recover its costs and expenses, including reasonable attorney's fees, to be fixed by the court in which such suit is filed.

(4) Any suit to recover hereunder must be instituted and service had upon the Surety within 90 days after the acceptance of the bid of the Principal by the Obligee.

(5) This bond shall be deemed canceled upon the effective date specified in a written notice served either by the Obligee upon the Surety or by the Surety upon the Obligee or sent by registered mail. Such date if the notice be served by the Surety shall be not less than twenty-five (25) days after the date of the notice, or if sent by the Surety by registered mail, not less than thirty (30) days after the date borne by the sender's registry receipt.

IN WITNESS WHEREOF, We hereunder set our hands and seals this_____ day of_____, 194___, at_____, California.

(c) **Labor and Material Bond to Accompany Contract** (Sections 4200-4207, inclusive, and 14371, et seq., Government Code), Form (1) or Form (2) following may be used.

Form (1)

LABOR AND MATERIAL BOND TO ACCOMPANY CONTRACT

Know All Men by These Presents:

THAT WHEREAS, The State of California, acting by and through the Department of Public Works, has awarded to_____

hereinafter designated as the "Contractor," a contract for the work described as follows:

AND WHEREAS, Said Contractor is required to furnish a bond in connection with said contract, providing that if said Contractor, or any of his or its subcontractors, shall fail to pay for any materials, provisions, provender or other supplies or teams used in, upon, for or about the performance of the work contracted to be done, or for any work or labor done thereon of any kind, that the surety on this bond will pay the same;

NOW, THEREFORE, We the undersigned surety are held and firmly bound unto the State of California in the sum of_____

dollars ($_____), said sum being one-half of the estimated amount payable by the said State of California under the terms of the contract, for which payment well and truly to be made we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH,

That if said Contractor, his or its heirs, executors, administrators, successors or assigns, or subcontractors, shall fail to pay for any materials, provisions, provender or other supplies or teams, implements or machinery used in, upon, for or about the performance of the work contracted to be done, or for any work or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, as required by the provisions of Chapter 3 of Division 5, Title 1 of the Government Code, and provided that the claimant shall have complied with the provisions of said code, the surety or sureties hereon will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In case suit is brought upon this bond the said surety will pay a reasonable attorney's fee to be fixed by the court.

This bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Section 1184e of the Code of Civil Procedure, so as to give a right of action to them or their assigns in any suit brought upon this bond.

IN WITNESS WHEREOF, We have hereunto set our hands and seals on this____
_____ day of _____A.D. 19____.

_____[SEAL]

_____[SEAL]

_____[SEAL]
Contractor

_____[SEAL]

_____[SEAL]
Surety

Form (2)

Know All Men by These Presents:

That _____
as Principal, hereinafter designated the Contractor, and_____

as Surety, are held and firmly bound unto the State of California in the sum of _____dollars, to be paid to the State of California, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

SEALED With our seals.

Dated the_____day of_____A. D. 19___.

THE CONDITION of the above obligation is such, that:

WHEREAS, The said_____

has been awarded a contract by the Department of Public Works of the State of California, in the State of California, for furnishing all necessary labor and materials, including tools, implements and appliances required, and performing and completing in a workmanlike manner all the_____

in the_____, California, as will more fully appear by the said contract bearing the date of the_____day of_____ 19___; and

WHEREAS, The total amount payable by the terms of said contract is the sum of _____dollars; and

WHEREAS, The said Contractor is about to enter upon the performance of such work and is desirous of giving bond in pursuance of the provisions of Chapter 3 of Division 5, Title 1 of the Government Code.

Now, if the said Contractor, or his subcontractor, fails to pay for any materials, provisions, provender, or other supplies, or teams used in, upon, for or about the performance of the work contracted to be done by him in connection with the_____ as more fully set forth in the contract to which this is attached, or for any work or labor done thereon, or in connection therewith, of any kind, then the above named Sureties will pay for the same in or to an amount not exceeding the said sum of _____dollars; and also, in case suit is brought upon this bond, a reasonable attorney's fee, to be fixed by the court; and until such payment shall be made, the above obligation shall be and remain in full force and virtue, otherwise (that is to say, if the said Contractor___ shall not fail to pay for such materials, supplies, work and labor) the above obligation shall be void.

History: 1. Originally published 11-15-45 (Title 11).
2. Amendment filed 5-15-46 (Register 3).
3. Amendment filed 11-4-47 as an emergency (Register 10, No. 2).

This bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Section 1184e of the Code of Civil Procedure, so as to give a right of action to them or their assigns, in any suit brought upon said bond.

_____(Seal)
_____(Seal)
_____(Seal)
_____(Seal)
_____(Seal)

(d) **Supplemental Labor and Material Bond** (Sections 4200-4207, inclusive, and 14371, et seq., Government Code):

SUPPLEMENTAL LABOR AND MATERIAL BOND TO ACCOMPANY CONTRACT NO._____

Know All Men by These Presents:

That _____, as Principal, and _____, a Corporation created, organized and existing under and by virtue of the laws of the State of _____, and authorized to transact business in the State of California, as Surety, are held and firmly bound unto the State of California, in the further sum of_____, said sum being one-half of the estimated amount by which the foregoing amendatory contract exceeds the amount of said original contract, to be paid to the said State or its certain attorney, its successors and assigns, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors or assigns, jointly, and severally, firmly by these presents.

THE CONDITION of this obligation is such, That:

If the above bounden Principal, his or its heirs, executors, administrators, successors or assigns, shall fail to pay for any materials, provisions, provender or other supplies or teams, implements or machinery used in, upon, for or about the performance of the work of constructing_____State Highway in_____County, between _____; District_____, Route_____, Section_____, under Contract No._____ and the foregoing Memorandum of Agreement, or for any work or labor thereon of any kind, as required by Chapter 3 of Division 5 of Title 1 of the Government Code, and provided that the claimants shall have complied with the provisions of said code, the Surety or Sureties hereon will pay for the same in an amount not exceeding the aggregate of the sum specified in the original labor and material bond and the sum specified in this bond, otherwise the obligations shall be void. In case suit is brought upon these bonds, the said Surety will pay a reasonable attorney's fee to be fixed by the court.

Furthermore, this bond shall be construed as supplementing and extending a bond dated_____, accompanying State Highway Contract No._____, inuring to the benefit of any and all persons, companies and corporations entitled to file claims under Section 1184e of the Code of Civil Procedure so as to give a right of action to them or their assigns in any suit brought upon such bond.

IN WITNESS WHEREOF, We have hereunto set our hand and seals this_____ day of_____, 194___.

Contractor

Surety

(e) **Consent of Surety to Memorandum of Agreement** (Sections 4200-4207, inclusive, and 14371, et seq., Government Code):

CONSENT OF SURETY TO MEMORANDUM OF AGREEMENT MODIFYING CONTRACT NO._____

_____, a Corporation created, organized and existing under and by virtue of the laws of the State of _____, and authorized to transact business in the State as California, as Surety, on the two bonds dated_____accompanying Contract No._____, hereby

consents to the terms of the within agreement modifying said contract and hereby agrees that said bonds shall continue in full force and effect to the same extent they would have done had the within agreement not been entered into, and hereby agrees to perform all the obligations of said bonds in accordance with their full meaning and intent.

Dated this_____day of_____, 194___.

Contractor

Surety

(f) **Performance Bond** (Sections 14371, et seq., Government Code). Form (1) or Form (2) following may be used:

Form (1)

BOND TO ACCOMPANY CONTRACT

Know All Men by These Presents:

That we,_____as Principal, hereinafter designated as the "Contractor," and_____ as Surety, are held and firmly bound unto the State of California, in the sum of _____dollars ($_____), to be paid to the said State or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors or assigns, jointly and severally, firmly by these presents.

THE CONDITION of this obligation is such:

That if the above bounden Contractor, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and agreements in the foregoing contract and any alteration thereof made as therein provided, on his or their part to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the State of California, its officers and agents, as therein stipulated, then this obligation shall become and be null and void; otherwise it shall be and remain in full force and virtue.

The contract above referred to provides for work described as follows:

IN WITNESS WHEREOF, We have hereunto set our hands and seals on this _____day of_____A. D. 19___.

_____(Seal)
_____(Seal)
_____(Seal)
Contractor
_____(Seal)
_____(Seal)
Surety

Form (2)

Know All Men by These Presents:

That _____as Principal, hereinafter designated the Contractor, and_____ as Surety, are held and firmly bound unto the State of California in the sum of _____dollars, to be paid to the State of California, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

SEALED WITH our seals.

Dated the_____day of_____A. D. 19___.

THE CONDITION of the above obligation is such that:

WHEREAS, The said_____ has been awarded a contract by the Department of Public Works of the State of California, in the State of California, for furnishing all necessary labor and materials, including tools, implements and appliances required, and performing and completing in a workmanlike manner all the_____as will more fully appear by said contract

between the said Department of Public Works of the State of California and said _____bearing date the_____day of_____19___.

Now, If the said Contractor _____shall faithfully perform the said contract on his part, then the above obligation shall be void, otherwise shall be and remain in full force and virtue.

_____(Seal)
_____(Seal)
_____(Seal)
_____(Seal)
_____(Seal)

(g) **Supplemental Performance Bond** (Section 14371, Government Code):

SUPPLEMENTAL BOND TO ACCOMPANY CONTRACT NO._____

Know All Men by These Presents:

That _____, as Principal, and_____, a Corporation created, organized and existing under and by virtue of the laws of the State of _____and authorized to transact business in the State of California, as Surety, are held and firmly bound unto the State of California in the further sum of_____ to be paid to the said State or its certain attorney, its successors and assigns, for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, successors or assigns, jointly and severally, firmly by these presents.

THE CONDITION of this obligation is such, that:

If the above bounden Principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by and well and truly keep and perform the covenants, conditions and agreements in State Highway Contract No._____and the foregoing Memorandum of Agreement amending said contract and any alteration thereof made as therein provided for constructing_____State Highway in_____County, between_____; District_____, Route _____, Section_____, on his or their part to be kept and performed, at the time and in the manner therein specified, and in all respects according to their true intent and meaning and shall indemnify and save harmless the State of California, its officers and agents, as therein stipulated; then this obligation shall become and be null and void; otherwise it shall be and remain in full force and virtue.

Furthermore, this bond shall be construed as supplementing and extending a bond dated_____, accompanying State Highway Contract No._____, conditioned for the faithful performance of said contract subscribed by the parties hereto, and said original bond shall continue in full force and effect.

IN WITNESS WHEREOF, We have hereunto set our hands and seals on this _____day of_____, 194___.

Contractor

Surety

(h) **Labor and Materials Bond to Accompany Service Agreement** (Section 136.5, Streets and Highways Code, and Sections 4200-4207, inclusive, Government Code):

LABOR AND MATERIAL BOND TO ACCOMPANY SERVICE AGREEMENT

Know All Men by These Presents:

THAT WHEREAS, The State of California, acting by and through the Department of Public Works, has engaged_____ hereinafter designated as the "Vendor," to perform certain service and/or rental under Service Agreement No._____, Dist._____, Co._____, Rte_____, Sec._____,

AND WHEREAS, Said Vendor is required to furnish a bond in connection with said Service Agreement, providing that if said Vendor, or any of his or its subcontractors, shall fail to pay for any materials, provisions, provender or other supplies or teams used in, upon, for or about the performance of the work agreed to be done,

or for any work or labor done thereon of any kind, that the Surety on this bond will pay the same;

NOW, THEREFORE, We the undersigned Surety are held and firmly bound unto the State of California in the sum of_____dollars ($_____), said sum being one-half of the estimated amount payable by the said State of California under the terms of the agreement, for which payment well and truly to be made we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION of this obligation is such:

That if said Vendor, his or its heirs, executors, administrators, successors or assigns shall fail to pay for any materials, provisions, provender or other supplies or teams used in, upon, for or about the performance of the work contracted to be done, or for any work or labor thereon of any kind, or for amounts due under the Reemployment Insurance Act with respect to such work or labor as required by the provisions of Chapter 3 of Division 5 of Title 1 of the Government Code, and provided that the persons, companies or corporations so furnishing said materials, provisions, provender or other supplies, teams, appliances or power used in, upon, for or about the performance of the work contracted to be executed or performed, or any person, company or corporation renting or hiring teams or implements or machinery or power for or contributing to said work to be done, or any person who performed work or labor upon the same, or any person who supplies both work and materials therefor, shall have complied with the provisions of said code, the Surety or Sureties hereon will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In case suit is brought upon this bond the said Surety will pay a reasonable attorney's fee to be fixed by the court.

This bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Section 1184e of the Code of Civil Procedure, so as to give a right of action to them or their assigns in any suit brought upon this bond.

IN WITNESS WHEREOF, We have hereunto set our hands and seals on this _____day of_____A.D. 19___.

_____(Seal)
_____(Seal)
Vendor
_____(Seal)
Surety
By _____(Seal)
Attorney-in-Fact

California Address of Surety

STATE OF CALIFORNIA }
COUNTY OF_____ } ss.

On this_____day of_____in the year one thousand nine hundred and_____, before me_____a notary public in and for said county, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the person whose name is subscribed to the within instrument as the attorney-in-fact of_____, and acknowledged to me that he subscribed the name of_____thereto as Surety and his own name as attorney-in-fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the said County of_____, the day and year in this certificate first above written.

Notary Public in and
*for the County of*_____,
State of California.

My commission expires_____.

To avoid delay in acceptance of this bond, attach power of attorney of attorney-in-fact unless filed previously with Department of Public Works, Sacramento

History: 1. Originally published 11-15-45 (Title 11).
2. Amendment filed 11-4-47 as an emergency (Register 10, No. 2).

(i) **Performance Bond to Accompany Service Agreement** (Section 136.5, Streets and Highways Code):

PERFORMANCE BOND TO ACCOMPANY SERVICE AGREEMENT

Know All Men by These Presents:

That we, _____as Principal, hereinafter designated as the "Vendor," and_____

GIVEN UNDER THEIR HANDS AND SEALS at the City and County of San Francisco, State of California, the day, month and year first above written.

Signature of Contractor

Name of Bonding Company

By _____
Attorney-in-fact

This bond is approved as to form and sufficiency this_____day of_____, 194___.

BOARD OF STATE HARBOR COMMISSIONERS
FOR SAN FRANCISCO HARBOR

By _____

As and constituting the Board of State Harbor Commissioners for San Francisco Harbor

48. Department of Industrial Relations. (a) **Employment Agency Bond** (Sections 1589, 1590, and 1663, Labor Code):

State of California
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR LAW ENFORCEMENT
515 Van Ness Avenue
San Francisco 2, California

EMPLOYMENT AGENCY BOND

Know All Men by These Presents:

That we_____
doing business as_____Agency
An employment agency and/or artists' manager or labor contractor.
(Strike out classes not applicable)
of_____as Principal,
and_____as Surety,
are held and firmly bound unto the people of the State of California in the penal sum of one thousand dollars ($1,000), lawful money of the United States of America, to be paid to the people of the State of California; for which payment we bind ourselves, our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

THE CONDITION of this obligation is that:

If the above bounden Principal complies with the provisions of Chapter 1, Part 6, Division 2 of the Labor Code of the State of California, and pays all sums due any individual or group of individuals when such Principal or his representative or agent has received such sums, and pays all damages occasioned to any person by reason of misstatement, misrepresentation, fraud, deceit, or any unlawful acts or omissions of the Principal mentioned above, or of his agents or employees while acting within the scope of their employment, then this obligation is to be void, otherwise it is to remain in full force and effect.

This bond shall be deemed continuous in form and shall remain in full force and effect throughout all succeeding license periods unless terminated or canceled in the manner hereinafter provided.

The State of California, by and through the State Labor Commissioner, reserves the right, at any time, to terminate this bond (except as to any liability thereunder already incurred or accrued) by a written notice of such termination to the Surety, and thereupon this bond shall terminate and be of no more force or effect, except as to any liability already incurred or accrued as to which it shall remain in full force and effect.

The Surety herein reserves the right to terminate this bond except as to any liability already incurred or accrued, and may do so upon giving the said Principal and the State Labor Commissioner of the State of California thirty (30) days' written notice to that effect and thirty (30) days after the receipt by the State Labor Commissioner of such notice or upon the filing and acceptance of a new bond, its liability under this bond, except as to any liabilities or indebtedness already incurred or accrued, shall cease, and said bond shall thereupon terminate and be of no more force or effect, except as to any liabilities or indebtedness already incurred or accrued thereunder.

IN WITNESS WHEREOF, The seal and signature of the said Principal is hereto affixed and the corporate seal and name of the said Surety is hereto affixed by its duly authorized attorney-in-fact, and attested by its duly authorized agent at _____this_____day of_____, 19___.

By_____
Attorney-in-fact

Attest_____
Agent

(b) **Bond of Bill Agent** (Sections 1802 and 1803.5, Insurance Code):

BOND OF BAIL AGENT

Know All Men by These Presents:

That we _____ (hereinafter called the "Principal"), as Principal, having an office at_____ _____in the State of California, and_____(hereinafter called the Surety), as Surety, a corporation organized under the laws of the State of_____ and duly admitted to transact the business of surety insurance in the State of California, are held and firmly bound unto the people of the State of California in the penal sum of one thousand dollars ($1,000), for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION: Of this obligation are such, that:

WHEREAS, The said Principal has applied to the Insurance Commissioner of the State of California for a bail agent's license;

NOW, THEREFORE, If said Principal shall account to any person affected, in respect to business done or transactions occurring under or by virtue of authority granted by said license, for the proper application and disposal of all moneys collected or received by said Principal, or his, or its, agents, solicitors, or employees, then this obligation shall be void; otherwise to remain in full force and effect.

This bond shall continue in full force and effect unless, as to future acts or omissions of the Principal, it is canceled by the Surety by 30 days' notice in writing given by the Surety to the Insurance Commissioner of the State of California.

This bond is executed pursuant to the provisions of Sections 1802 and 1803.5 of the Insurance Code of the State of California.

This bond shall take effect on and as of_____, 19___.

SIGNED AND SEALED This_____day of_____, 19___.

Principal

Surety

By _____

(See Reverse Side)

[REVERSE OF BOND OF BAIL AGENT]

Instructions for Executing Bond

1. This bond must be executed *in California* by an insurer admitted to transact surety insurance in the State of California through an agent or attorney-in-fact *resident in California.*

2. There must be attached to the bond, or filed with the California Insurance Commissioner, evidence showing the authority of each signatory to the bond, either by acknowledgment before a person authorized to take acknowledgments of execution of deeds, or under seal of the contracting party represented. The evidence must show that *during the entire day* on which the particular party signed the bond he was authorized so to do. Hence, if the evidence of authority consists of a statement of appointment of attorney-in-fact and that such appointment has not been revoked, it must be executed after the date of the bond or must recite nonrevocation during the entire day on which the bond was executed.

3. Signatures of individuals executing the bond for the Surety must be acknowledged before an officer authorized to take such acknowledgments and a certificate evidencing same must be attached to the instrument.

(a) (Facsimile of gummed label for bulk materials.)

PAPER PACKAGE MATERIALS
(Kapok, Down, etc.)
Entire label may be printed on container.

ALL NEW MATERIAL

_____%

_____%

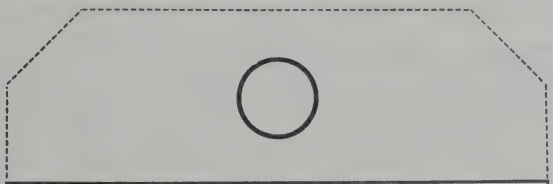
Net Weight: _____

Certification is made that this material is described in accordance with law.

Serial Number: _____

Optional { Name: _____
Address: _____

(b) **Tag or Cloth Label** (for cloth bags or containers):



(Sew this edge to container)
(Do not detach or deface)

ALL NEW MATERIAL

_____%

_____%

Net Weight: _____

Certification is made that this material is described in accordance with law.

Serial Number: _____

Optional { Name: _____
Address: _____

*†

*† For statutory citation, see note to §1100.

Article 10. Sterilization Regulations

(Approved by State Department of Public Health)

1210. Application. Every applicant for permission to operate a sterilizing plant shall furnish with such application detailed plans in duplicate (2 copies) of the proposed equipment, in addition to data required in Section 19122 of Article 6 of the Furniture and Bedding Inspection Act. Such proposed plant shall not be placed in commercial operation until a certificate of approval has been issued by the Bureau.*†

1211. Approval. The Board of Health of the State of California, by virtue of its authority, approves of the sterilization and disinfection of those articles or materials subject to the Furniture and Bedding Inspection Act, and hereby promulgates methods by which sterilization or disinfection may be accomplished.*†

1212. (a) **Method of Sterilization.** Unless otherwise specifically provided for, the Chief of the Bureau or any Inspector may determine the method to be employed in the sterilization of any article or material subject to the provisions of the Furniture and Bedding Inspection Act.

(b) **Feathers and Downs Sterilization.** Feathers and downs may be sterilized only by the methods provided therefor as set forth in Section 1215 of this Regulation.

(c) **Secondhand Cotton or Wool Sterilization.** Secondhand cotton or wool which is filthy or stained or has a disagreeable odor, or is otherwise contaminated and is, therefore, unfit for use, shall be sterilized by the wet method as set forth in Section 1216 of this Regulation.*†

1213. Vacuum Chemical Method. Vacuum chamber having a capacity of 500 cubic feet is placed under 29 inch vacuum. Three quarts of formaldehyde 40 per cent solution and three pounds of potassium permanganate are placed in a water-jacketed auxiliary tank previously heated to 120 degrees Fahrenheit, and the formalin vapors introduced slowly into the chamber. The vacuum drops to about 26 inches. This is followed by a dosage of carbon dioxide gas which drops the vacuum to 24 inches. Next is introduced one-half gallon of carbon disulfide by running it through several feet of coil in another water-jacketed auxiliary tank previously heated to 180 degrees Fahrenheit. This gives a reading of about 24 inches. Finally another two inches of carbon dioxide is passed into the tank, giving a vacuum of about 22 inches. All valves are tightly closed and the sterilizer held at this vacuum for a period of two hours. At the end of this time air is admitted until the gauge reads 0. The chamber is pumped out to 25 inches of vacuum twice to remove the fumes, and then opened.*†

1214. Dry Heat Method. Sterilization by the dry heat method requires developing and holding a temperature of 230 degrees Fahrenheit for a period of one hour in an approved cabinet. Thirty-two ounces of formaldehyde must be vaporized in an approved receptacle during the period of sterilization, for every 1000 cubic feet of cabinet displacement. All cabinets shall be equipped with racks or devices and the articles to be

*† For statutory citations, see note to §1100.

sterilized shall be so placed therein that complete circulation of heat and gasses around every article being sterilized shall be attained, and so that the required heat shall be uniform in all parts of the cabinet. All cabinets shall be insulated sufficiently to insure the holding of heat and shall be equipped with a recording thermometer approved by the Bureau, which will record permanently and accurately the heat used during the process.*†

1215. Method of Sterilizing or Renovating Secondhand Feathers and Down. The feathers from each customer shall be separately treated and not combined with feathers from other sources.

In sterilizing feather pillows, contents must be removed from ticks and the feathers or down sterilized loose.

Ticking must be dry-cleaned or laundered in water of a temperature of not less than 212 degrees Fahrenheit or new ticking used.

The loose feathers must be placed in a closed receptacle and subjected to streaming live steam out of jets of not less than one-quarter inch in diameter.

One jet must be installed in receptacle for every 50 cubic feet of displacement.

Pressure of steam mentioned below is to be indicated by two gauges on outside of receptacle, one to be 12 inches from top and one 12 inches from bottom of receptacle, both to register not less than pressure stated below.

Where 15-pound pressure is used, the steam treatment shall be for at least 30 minutes' duration in receptacle.

Where 20-pound pressure is used, the steam treatment shall be for at least 20 minutes' duration in receptacle.

The streaming steam must be injected while the feathers are in motion to bring about a complete sterilization, after which steam must be forced out of chamber and the feathers subjected to a temperature of not less than 230 degrees Fahrenheit of heat for a period of not less than 30 minutes.

The Muroza or kindred types of feather and down sterilizers may be used, provided they comply with Sections 1210 and 1211 of this Regulation, and the following formula:

(a) The sterilizing chamber must be first heated to 290 degrees Fahrenheit;

(b) Steam pressure of 100 pounds developed;

(c) The feathers are then drawn into the sterilizing chamber and subjected to one minute of streaming live steam;

(d) Then subjected to seven and one-half minutes of dry heat at not less than 290 degrees Fahrenheit.*†

1216. Wet Method. Immerse in water, maintained at a temperature of 212 degrees Fahrenheit for at least 10 minutes, with proper arrangements for agitation of the material while in the vat, after which any portion of the material shall pass through a hole one and one-half inches in diameter.*†

*† For statutory citations, see note to §1100.

1217. Steam Under Pressure. By subjecting to steam under pressure for a period of 30 minutes, the pressure of the steam to be a minimum of 15 pounds per square inch, the temperature of the steam to be a minimum of 248 degrees Fahrenheit. A properly checked steam pressure gauge and a thermometer, both visible from the outside of the chamber, shall be provided.

1218. Use of Methyl Bromide. Tests made by the Bureau of Furniture and Bedding Inspection in sterilizing plants approved by the Bureau, indicate that methyl bromide, when used as a fumigant or sterilization agent, will effect a satisfactory "kill."

The use of methyl bromide, however, has not been approved by the State Board of Health as a fumigant or sterilization agent, and therefore it does not have the official approval of this Bureau. The principal reason set forth by the Board of Health for nonapproval is that sufficient tests have not been made to determine its efficacy and that, when concentrations of more than 32 parts per million of methyl bromide have been used, cases of poisoning have occurred in persons exposed to such concentrations. It is considered toxic and its use in a sterilizing plant is wholly the responsibility of the user.*†

(§§1100 to 1218 filed 9-18-47; Effective 9-18-47)

*† For statutory citations, see note to §1100.

(Pages 167-180 eliminated in revision)

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SUBGROUP 2. CONSTRUCTION AND EMPLOYMENT

Article
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8. Acquisition of Rights of Way (Applies only to County Roads)
9. Payment of State's Share.

FOREWORD

The stated purpose of the "Construction and Employment Act" is to alleviate and prevent unemployment by granting financial assistance to local agencies so that they may engage in a large public works construction program.

The State Allocation Board is to prescribe rules and regulations under the act and make allocations of State financial aid. The Director of Finance is charged with the administration of the act.

The Rules and Regulations set forth the procedure to be followed by local agencies in securing financial assistance from the State.

Additional information and copies of forms may be obtained by writing to the Director of Finance, State Capitol Building, Sacramento 14, California.

Article 1. Definitions

1650. As used in these Rules and Regulations, the words and terms defined in this rule shall have the following meaning, subject to the provisions of the act:

(a) **The Act.** Chapter 20, Statutes of 1946 (First Extraordinary Session), and any amendments thereto.

(b) **Application.** Forms supplied by the Director of Finance properly completed and signed by the authorized agent, together with such resolutions, plans, estimates and other information as may be required to accompany said form.

(c) **Authorized Agent.** The person appointed and authorized by resolution or ordinance of the local agency to represent the local agency in all matters pertaining to the act other than those requiring action by the governing body of the local agency.

(d) **Board.** The State Allocation Board as created by the act.

(e) **Construction.** Includes the supervision, inspection, actual building, and all expenses incidental to the construction, reconstruction, modification and alteration of public buildings and facilities but does not include ordinary repair and maintenance, nor, except as provided in Section 11 of the act, acquisition of sites or right of way.

(f) **Controller.** The State Controller.

(g) **Department.** The State Department of Finance.

(h) **Director.** The State Director of Finance.

(i) **Local Agency.** Any county, city and county or city of the State, or any other governmental unit or district of the State which has received an assignment from a local agency.

(j) **Project.** Includes the construction of publicly owned and operated facilities in which the Legislature finds and declares in the act that there is a State interest, proposed to be undertaken by local agencies in accordance with the act.

(k) **School.** A school located in any school district which includes all or any portion of the county when the project is to be paid for in part from the county allocation, and a school located in a school district which includes all or any portion of the city when the project is to be paid for in part from the city allocation.

(*l*) **Sewage Facility or Sewage Project.** Includes sewage treatment and disposal plants, trunk and outfall sewers, and other facilities for the collection, transportation, treatment and disposal of sewage, but does not include local street sewers as distinguished from main trunk, interceptor and outfall sewers.

(m) **Water-Works System.** Includes facilities necessary to the supply, pumping, storage, treatment of water, distribution of water.

NOTE.—§§1650 to 1703, inclusive, issued under authority contained in Section 7(c) of the Construction and Employment Act, Chapter 20, Statutes of 1946, as amended by Chapter 103, Statutes of 1946 (First Extraordinary Session); Chapter 92, Statutes of 1947; Chapter 140, Statutes of 1947; Chapter 1213, Statutes of 1947; Chapter 1333, Statutes of 1947.

Article 2. General Provisions

1651. Allocations of Funds. Of the money appropriated by the Act there is allocated $45,000,000 for expenditure within counties and $45,000,000 for expenditure within cities incorporated prior to May 21, 1946, for the purpose of defraying the State's share of the cost of construction projects. Chapter 1213, Statutes of 1947 appropriated $110,000 for expenditures for the same purposes within cities incorporated on or after July 1, 1946, and before September 19, 1947.

(a) **County Allocations.** One-third of the county allocation shall be used for reimbursing counties for the State's share of the cost of the acquisition and of rights of way for, and the construction and improvement of, county roads and highways in unincorporated territory. Two-thirds will be available for the construction of projects in which there is a State interest, namely, hospitals and sanatoriums, detention homes, schools, sewage facilities, sanitation facilities, roads, highways, tubes, bridges, road and highway facilities, flood control, fire prevention and protection facilities, harbor facilities, and as provided by Chapter 110, Statutes of 1946 (First Extra Session), Veterans Facilities. Each county shall receive a minimum of $100,000 excluding the amount allocated for road and highway purposes.

(b) **City Allocations.** Any funds allocated to a city under the Act must first be used to construct sewage projects unless the board after consultation with the State Department of Public Health determines that sewage facilities are adequate to meet the reasonable needs of the city; or that provision already has been made to finance construction of such facilities.

Any funds allocated to a city which are not required for sewage facilities shall be expended only for the construction of major streets, including bridges and other street structures or facilities, schools, storm

drains, the improvement of existing publicly owned waterworks systems, and as provided by Chapter 110, Statutes of 1946 (First Extra Session), Veterans Facilities.

History: 1. Originally published 7-15-46 (Register 4).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

1652. Right of Way Acquisition. Moneys apportioned exclusively for road and highway construction in counties may be used for the acquisition of rights of way, but only in connection with the construction of county road or highway projects under the provisions of the act and these rules.

1653. State Share of Cost. The State's share of the actual cost of construction shall not exceed fifty per cent (50%); provided, however, any county may make application for aid from the State for the construction of road and highway projects without the matching of such State aid by the county, and the Board shall approve such application or applications in an amount not to exceed seventy-five thousand dollars ($75,000) in the aggregate for any such county.

1654. Local Agency's Share of Cost. Any money, Federal, State, or local, public or private, lawfully available for expenditure by or on behalf of a local agency for the construction of a project under the Act, other than money made available by this act, shall be considered as part of the money required to be provided by the local agency under this Act.

1655. Application for Funds. All applications for allotments under this act shall be addressed to and filed with the Director of Finance, State Capitol, Sacramento (14), California. The final date for filing applications is December 31, 1951.

1656. Payment of State's Share. Payment of the State's share of the cost of construction will be made upon presentation of claims on forms provided by the Department. Payment will be made in the name of local agency.

1657. Assignment of Funds. A local agency may by resolution, certified copies of which it files with the Director, the Controller, the Board, and the assignee, assign the money allocated to it under the Act, or any portion thereof, to any other local agency or to any governmental unit or district in the State. Money unused by the assignee shall be credited to the allocation of the assigning agency. The expenditures of funds by an assignee will be governed by the provisions of the act which govern the expenditure of the same funds by the assignor.

1658. Joint Undertakings. Two or more local agencies may engage jointly in undertaking the construction of a project. One or more local agencies may engage in activity jointly with or through a district or other governmental unit.

1659. Agreements for Performance of Road Work. Any county may enter into agreements with the Department of Public Works, or any

city in such county, for the performance of the work or any portion thereof on any road or highway project.

1660. Day Labor Work. The construction of projects by days' labor or force account must be in compliance with all laws, charters, or other regulations applicable thereto, and in addition, a proper accounting procedure satisfactory to the Director worked out in connection with claims for reimbursement.

1661. Government Code, Labor Code, Political Code. The provisions of Division 5 of Title 1 of the Government Code and Part 7 of Division 2 of the Labor Code are applicable to public works or projects constructed from funds allocated under this Act. Sections 13320-13324, inclusive, 13920 and 16003 of the Government Code, and Sections 3714-3714.26, inclusive, of the Political Code do not apply to the expenditure of allocations to local agencies made under the Act.

1662. Waiver of Rules. The Director of Finance shall have the right, insofar as it may be compatible with the provisions of the Act, to waive or modify any of these rules where necessary to comply with the procedures of any other State agency, or to provide aid for emergency construction, or to conform with any other applicable State or Federal laws. Any such action shall be reported to the Board at its next meeting.

1663. Recommendations. The Director is authorized to make any recommendations to the local agency which he deems proper regarding any phase of any project.

1664. Information. The local agency shall prepare and furnish any information regarding any phase of the construction or the cost thereof to the Director as he may request.

Article 3. Legal Relations and Responsibilities

1665. Award of Contracts. The local agency shall be the sole awarder of all contracts awarded for any phase of work done under provisions of the Act.

1666. Compliance with Laws. The local agency will be solely responsible for the compliance with all Federal, State and local laws and regulations which may be or become applicable to the work done under the Act.

1667. Adequacy and Suitability of the Work. The Board or Director will not assume responsibility for the adequacy and suitability of plans, specifications, estimates or construction of any project under the Act. Such matters are the responsibility of the local agency.

1668. Operation and Maintenance. The Board or the Director will not assume any responsibility for the maintenance and operation of any project constructed under the Act. No moneys appropriated by the Act may be used for operation or maintenance.

Article 4. Application and Allotment

1669. Separate Application for Each Allotment. A separate application for an allotment of the State's share of the cost of construction shall be filed for each project.

1670. Applications for Joint Undertakings. Where two or more local agencies propose to engage jointly in a project, an application shall be filed by each agency or by one agency designated in resolutions of the legislative bodies of all of the local agencies jointly engaged. Each application for a joint undertaking shall show the identity of all local agencies joining in the enterprise.

1671. Preparation and Filing. Applications shall be prepared in quintuplicate on forms supplied by the Director. Four copies shall be filed with the Director, the fifth copy being retained by the local agency. Each item on the application form shall be completed or shall be marked "none."

1672. Attachments. The following shall be attached to each application:

(a) **Resolution.** Two certified copies of a resolution or ordinance adopted by the governing body of the local agency which shall include:

(1) The title of the project.

(2) A statement that the local agency has made provision for paying its share of the construction cost.

(3) The amount of the allotment requested.

(4) A statement of the estimated cost of construction.

(5) A designation of the person, together with his title and address, authorized to act for the local agency in all matters under the Act.

(b) **Cost Estimate.** Two certified copies of a statement of the estimated cost of construction of the project. The estimated cost shall be accurate and shall be based on the costs prevailing at the time the application is submitted. The estimated cost shall show a complete breakdown of items of work and materials giving amounts and unit prices and any other figures used by the local agency in arriving at the estimated cost of construction shown on the application. All cost data shall be presented in such manner in sufficient detail to allow for thorough and rapid checking.

(c) **Plans and Specifications** (See Rules 1675 to 1677). One copy of the general plans and description of the project, sufficient to enable the Director and Board to determine the intended use and eligibility of the project. Such general plans and description shall be supplemented by additional copies and such detailed plans as may be required by the Director.

(d) **Site Plan.** Two copies of a site plan or sketch of the project prepared in such a manner that the project can be readily located and identified.

(e) **Right of Way Acquisition.** In those cases where the Act authorizes State aid in acquiring rights of way, data shall be submitted as required by Rule 1693.

(f) **Unemployment.** Except for city sewage and county highway projects, a statement of the facts which the local agency desires the Board to consider in making its determination as to whether the project meets the requirements of the Act as to the prevention or alleviation of unemployment. The local agency shall prepare and furnish any information regarding any phase of the unemployment situation to the Director as he may request.

History: 1. Originally published 7-15-46 (Register 4).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

1673. Allotment. After determining that all information required by the Act and these Rules has been submitted on or with the application, the Director will refer it to the Board. If the Board determines that the application meets the requirements of the Act, it will by a resolution adopted by it allot to the local agency the State's share of the cost of the construction and provide the local agency with a copy of said resolution.

With the exceptions of county road and city sewage projects, no allotment will be made until the Board determines that the construction of the project will contribute to the prevention or alleviation of unemployment as provided by the Act.

In its resolution of allotment the Board will specify the earliest date, latest date, or both for the commencement of a project, giving consideration to the relation between construction of the project and the purposes of the Act relating to unemployment.

No portion of an allotment may be expended in payment for costs incurred before the authorized starting date specified in the Board's resolution of allotment except that this shall not prevent reimbursement to a local agency for materials furnished by it for the project, even though such materials were purchased prior to the authorized starting date.

1674. Revised Estimates. A local agency desiring to revise the cost estimate of a project for which an allotment has been made, may do so by submitting an application containing the revised estimate. Such application shall state the reasons for revising the estimate and shall be accompanied by any revised plans and specifications, or such portions thereof, as are necessary to show any changes or additions to those previously submitted.

History: 1. Originally published 7-15-46 (Register 4).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

Article 5. Plans, Specifications and Estimates

1675. Cost of Preparation. Moneys appropriated by the Act are not available for payment of any portion of the cost of the preparation of the plans, specifications and estimates.

Printed Nov. 16, 1945

SUBCHAPTER 4. LOCAL ALLOCATION DIVISION

GROUP 1. LOCAL ALLOCATION BOARD

Subgroup 1. Plans and Acquisition.
Subgroup 2. Construction and Employment.
Subgroup 3. State School Building Aid.

Subgroup 1. Plans and Acquisition

Article
1. Definitions
2. General Provisions.
3. Applications for Allotment for Preparation of Plans.
4. Final Completed Plans, Specifications and Estimates.
5. Procedure for Filing Claims for Plans Preparation Reimbursement. (After application has been approved.)
6. Requests for Allotment of State Funds for Acquisition of Rights of Way and Sites — Application for Payment After Approval of Request.
7. Appendix, Sample Forms to Be Used.

FOREWORD

The Rules and Regulations contained herein are prescribed by the State Allocation Board to be followed by local agencies in applying for financial assistance in preparation of plans and acquisition of sites and rights of way for public works projects.

The State Allocation Board supersedes the Postwar Public Works Review Board in the administration of Chapter 47, Statutes of 1944, and the rules herein adopted replace all former rules and regulations of the Postwar Public Works Review Board.

The stated purpose of this legislation is the planning and development of a substantial postwar public works program to prevent unemployment and relieve hardship during the postwar period.

Additional information and copies of forms may be obtained by writing to the Director of Finance, State Capitol Building, Sacramento 14, California.

Article 1. Definitions

1550. Definitions. All terms defined by Chapter 47, Statutes of 1944, Fourth Extraordinary Session, shall for the purpose of these rules be deemed to be used with the same force and effect as in said Act except as expressly modified herein.

NOTE—§§1550 to 1614, inclusive, issued under the authority contained in Section 5(b) of Chapter 47, Statutes 1944, Fourth Extraordinary Session, as amended by Chapter 1455, Statutes of 1945; Chapter 67, Statutes of 1946 (First Extraordinary Session); Chapter 134, Statutes of 1947; Chapter 243, Statutes of 1947, and Chapter 1321, Statutes of 1947.

1551. "Act" as used in these rules and regulations has reference to Chapter 47, Statutes of 1944 (Fourth Extraordinary Session), and any amendments thereto.

1552. Subject to the provisions of the Act, the following terms are defined as follows:

(a) "**Application**" (for Plan Preparation Reimbursement for Public Works Project) or "Request" (for Acquisition Aid for Rights of Way or Site). Forms supplied by Director of Finance properly completed and signed by the authorized agent on behalf of a local agency,

together with such resolutions, plans, specifications and information as may be required to accompany said forms.

(b) "**Authorized Agent.**" The individual appointed and authorized by resolution or ordinance of the local agency to represent the local agency in all matters pertaining to the Act other than those requiring action by the governing body.

(c) "**Board.**" The State Allocation Board as authorized by Chapter 243 of Statutes of 1947, which amends Chapter 47, Statutes of 1944 (Fourth Extraordinary Session).

(d) "**Director.**" The State Director of Finance.

(e) "**Field Surveys.**" Investigations, surveys and reports essential to:

(1) Preparation of plans and specifications;
(2) Estimates of cost;
(3) Acquisition of rights of way and sites.

(f) "**Local Agency.**" Any county, city and county or city of the State, or an assignee of a local agency under Section 29 of the Act.

(g) "**Plans.**" Engineering field surveys and engineering or architectural designs, working and detailed drawings, specifications, and detailed estimates of construction costs based thereon.

(h) "**Specific Project.**" Includes new construction, modification and alterations (but does not include ordinary repair and maintenance) of public buildings, highways, streets, bridges and other street and highway structures, and publicly owned and operated facilities, including but not limited to sewage treatment and disposal plants and sanitary facilities, airports, and existing water supply systems, proposed to be undertaken by local agencies in accordance with the purposes of this Act. Except as to public utilities specifically mentioned in this subdivision, "specific project" does not include the construction, acquisition, extension of or addition to public utilities as defined in the Public Utilities Act. A specific project may include a group of related items which are included in one set of plans and specifications.

Article 2. General Provisions

1557. General Provisions. (a) Of the moneys appropriated by the Act, $6,875,000 is allocated to local agencies for the purpose of defraying one-half or less, hereinafter called the State's share, of the cost of preparing plans for specific projects; $3,000,000 is allocated to local agencies for the purpose of paying one-half or less, hereinafter called the State's share, of the cost of acquisition of sites and rights of way for public works projects.

(b) Chapter 1321, Statutes of 1947 amends Chapter 47, Statutes of 1944 and makes available $43,000 for plan preparation and sites acquisition for cities incorporated between January 1, 1942 and July 10, 1947.

History: New section filed 10-28-47 as an emergency (Register 10, No. 1).

1558. All applications or requests for allotments under the Act shall be addressed to and filed with the Director of Finance, Sacramento, California. As to any applications or requests received by the Director which require consideration, action or approval by the Board, he shall present the same to the Board. Final date for filing application is June 30, 1951.

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certificates showing the payment of principal, interest, maturities, delinquencies and foreclosures. Said report also shall include such other data as the Commissioner may require.

627. Any such company proposing to sell in the State of California an investment certificate containing any insurance feature whatsoever shall first apply for and obtain from the Insurance Commissioner of the State of California necessary authority.

628. Where a certificate is pledged as collateral for a loan, said loan shall bear a rate of interest not to exceed a rate figured on a basis of 7 per cent simple interest per annum. The gross rate of charge for said loan to the borrower in any event shall not exceed 10 per cent per annum as provided in Article XX, Section 22, of the Constitution of the State of California.

629. Any such company shall covenant with each purchaser of a certificate to transfer the certificate at the option of the legal owner of said certificate. Said company shall further covenant to transfer said certificate promptly upon demand at the office of the company. The transfer fee shall not exceed $1 per certificate. Effective February 1, 1941.

Article 23. Finance, Mortgage and Similar Companies

History: 1. Originally published 3-22-45 (Title 10).
2. Repealer filed 11-24-47, designated to be effective 12-26-47 (Register 10, No. 4).

Article 24. Advertising

641. All advertising (such as written, printed, radio, etc.) proposed to be used in connection with the sale of securities in California shall be filed with the Commissioner at least one day prior to its proposed use, in accordance with Section 10 of the Corporate Securities Act.

642. Advertising shall not be used after notice has been given by the Commissioner that, in his opinion, the same contains any statement that is false or misleading or otherwise likely to deceive a reader thereof, in accordance with Section 10 of the Corporate Securities Act.

643. Any statement concerning "Exemption from any State, Federal or other tax" shall not be permitted unless said statement is the opinion of counsel and is clearly set forth as such.

644. (a) Any financial statement used in advertising in connection with the sale of securities shall be clear and comprehensive. A financial statement purporting to show the company's current financial condition shall show both the date such statement was made and the date on which the company's financial condition is reflected in said statement. Such financial statement shall represent the company's condition as of the approximate date of the use of such advertisement.

(b) In the event financial statements are used in connection with advertisements purporting to show the financial condition of a company for a previous period or periods, a current financial statement shall be used also.

(c) The use of "pro forma" financial statements will not be approved.

645. All advertising shall accurately describe the security to which it refers.

646. An advertisement offering dividend-paying securities shall clearly and concisely set forth the dividend record of the company, when required by the Commissioner.

647. (a) All advertising purporting to show average earnings for a period of years shall also show actual detailed yearly earnings for that period.

(b) Estimated earnings, dividends and profits in advertisements will not be approved ordinarily.

648. All advertising using the names of persons shall state their connection with and interest in the company.

649. Comparison with alleged analogous situations and the use of statistics of successful companies for comparative purposes will not be approved.

650. (a) The use of tipster sheets will not be approved.

(b) The use of so-called "blind" advertisements giving only telephone numbers, post office or newspaper box numbers will not be approved.

651. The use of market letters, reviews, bulletins, circulars or other house organs advising or suggesting, directly or indirectly, the purchase of securities in which the broker, his agents, assistants and/or employees have an interest will not be approved unless such interest is clearly and fully set forth and defined therein.

652. Whenever in any advertisement reference is made to the issuance of a permit, the following legend in bold type in capital letters of not less than 14 point shall appear in connection therewith and shall be printed on a clear background:

"THE COMMISSIONER OF CORPORATIONS DOES NOT RECOMMEND OR ENDORSE THE PURCHASE OF THIS SECURITY."

653. Any unqualified statement or inference in any advertisement to the effect that the investment in the securities being offered is "safe," or that continuous dividends are "assured," or that "failure" or "loss" is impossible, will not be approved.

654. An advertisement of investment trust securities shall include the following information:

(a) Statement of the amount of the load, in relation to the actual market value of the underlying securities;

(b) Statement of determination of offering price;

(c) Statement of periodic charges;

(d) Provisions in regard to eliminations and substitutions;

(e) Method of making distributions;

(f) Voting rights;

(g) A description of the reserve fund (if any) and the purposes thereof.

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(c) Statement of periodic charges;

(d) Provisions in regard to eliminations and substitutions;

(e) Method of making distributions;

(f) Voting rights;

(g) A description of the reserve fund (if any) and the purposes thereof.

655. Any statement or computation in advertising of an investment trust purporting to show past performance of securities comprising the portfolio shall be confined to a period commencing at the creation of the trust and proceed without interruption down to the date of issuance of the advertising. Effective September 12, 1941.

Article 25. Horse Race Tracks

660. An application filed by any company for a permit to authorize the issuance of securities for the purpose of the construction, operation, acquisition, reorganization, or financing in any other way a race track, shall be filed in duplicate as provided in Article 1 of these rules.

661. Such application shall contain a copy of the formal application for a license from the California Horse Racing Board, as required by resolution adopted by said Board December 9, 1940.

662. The duplicate copy of an application, as referred to in Section 660 of this Article, will be transmitted to said Board by the Commissioner of Corporations.

663. The Commissioner of Corporations will look with disfavor upon an application for authority to sell securities for the purpose of financing a new race track unless the applicant shall have applied for and received from the California Horse Racing Board a certificate of determination that the establishment of a track by the applicant would be in the public interest. (Filed 4-1-47)

664. The Commissioner of Corporations will consider with disfavor an application for authority to finance a race track through the sale of preference shares, notes, bonds or debentures, whether secured or unsecured. (Filed 4-1-47)

665. While preorganization subscriptions are permitted to be taken under terms of Section 33 of the Corporate Securities Act prior to applying for and obtaining a permit from the Commissioner of Corporations, notice is hereby given that in the interest of general public welfare and in accordance with the resolution of the California Horse Racing

Board dated December 9, 1940, any company proceeding under this Section 33 of the Corporate Securities Act does so at its own risk. Effective July 1, 1941.

666. The rights, preferences, privileges, restrictions and par value of securities proposed to be sold for the purpose of raising funds with which to finance a horse racing enterprise shall be as follows:

(a) The securities shall be of only one class, without distinction.

(b) The securities shall have a par value of at least $1,000.

(c) Fractional shares shall not be issued except under specific authorization of the Corporation Commissioner based on a showing of unusual circumstances justifying the issuance of fractional shares.

This rule shall apply to the original and any subsequent financing of a horse racing establishment, whether by the sale of securities for cash, the issuance of securities in the capitalization of surplus or by the issuance of securities in any other manner.

History: New section filed 10-10-47 as an emergency (Register 10, No. 1).

Article 26. Brokers (Including Dealers)

670. An application for a broker's certificate shall be filed on forms provided by the Commissioner and shall be accompanied by the statutory filing fee as follows:

(a) Application for broker's certificate	$25 00
(b) Change of interest in a brokerage partnership affecting less than 25 percent of the whole interest therein	10 00

671. No corporation, either domestic or foreign, will be granted a certificate to act as a broker until and unless it shall file with the Commissioner a letter, together with a certified copy of a resolution of its board of directors authorizing the signing and delivery of such letter, substantially in the following form:

"Date_____

To the Commissioner of Corporations of the State of California:

In the event of the issuance of a broker's certificate to_____, said corporation hereby agrees that in the event of a change of any of its officers or managers in the State of California, or any of its directors, chairman of the board, or secretary, a statement or memorandum of said change will, immediately thereafter, be forwarded to the Commissioner of Corporations of the State of California, setting forth the change made and the names of the persons involved therein, and shall contain a statement of the qualifications of such successor. In the event of said change, if said statement or memorandum is not forwarded by said corporation to the Commissioner of Corporations of the State of California, this letter shall constitute and be the irrevocable consent of said corporation to the revocation by said Commissioner of any broker's certificate hereafter issued to said corporation.

Name of Corporation_____
By_____
President
(Corporate Seal)
By_____
Secretary"

332. Applications for securities for inoperative property shall be satisfactorily supported by appraisal in accordance with Article 11. Effective July 15, 1941.

Article 4. Sale Price of Securities

337. Securities shall be permitted to issue only for the considerations specified in Section 298 of the Civil Code of California.

338. Preferred securities shall be permitted to be issued only for cash or for assets, the value of which is established to the satisfaction of the Commissioner; provided, however, that preferred securities may be permitted to be issued for the cancellation of a bona fide indebtedness.

339. Stock without nominal or par value shall be permitted to be sold at a price, or for a consideration, which fairly represents the true worth of such stock.

340. An increase or decrease in the selling price of the securities named in a permit issued to a company shall be authorized only when it appears to the satisfaction of the Commissioner that the condition of the company and/or other circumstances justify the change.

341. Excepting companies complying with Sections 342 and 343 of this Article, companies shall be authorized to sell shares of capital stock on terms as follows:

(a) For the selling price in cash; or

(b) For not less than 40 per cent of the selling price in cash, and 60 per cent evidenced by promissory notes payable not more than one year from date of sale. Shares so sold will be required to be held by the company as security for purchase notes; and notes may not be discounted to net the company, with cash paid, less than the selling price thereof after deduction of selling expense; or

(c) For not less than 25 per cent in cash, and 75 per cent evidenced by a subscription agreement ordinarily payable in equal monthly installments fully payable in not to exceed one year from date of sale. Shares so sold may not be issued until the full amount of the selling price has been paid.

(d) Discretion will be exercised in the sale of stock to employees. All such applications should be immediately referred to the Assistant Commissioner.

342. Corporations issuing certificates prior to full payment shall comply with Section 326a of the Civil Code of California.

343. Ordinarily the selling price of par value stock shall be at least equal to the par thereof. Applications for permits to sell at less than par shall fully state the grounds of exception as specified in Section 299 of the Civil Code of California.

344. Securities shall not be permitted to be sold to brokers or others under a sliding scale contract. Effective July 15, 1941.

Article 5. Selling Expense on the Sale of Securities

349. Selling expense shall include commissions, salaries, advertising and all other expense directly or indirectly incurred in connection with the sale of securities.

Article 7. Promotional Securities

368. (a) Securities issued for services rendered, patents, copyrights or other intangibles, the value of which has not been established to the satisfaction of the Commissioner, or which are issued for a monetary consideration substantially lower than the consideration for which shares are sold for principal financing purposes, will be treated as promotion. The amount of promotion will be determined by facts and circumstances in each particular application, but issuance of promotional shares will be restricted to such quantity as will tend to establish an ultimate equality of participation between shares sold for cash, or its equivalent, and promotional shares.

(b) Principal financing of a new enterprise by the sale of cumulative but nonparticipating, or noncumulative, or nonparticipating, or redeemable (unless convertible on an equitable basis) shares will be considered with disfavor. (Filed 4-1-47)

(c) Where principal financing contemplates the sale of shares in units, consisting of preference shares and common shares, the unit selling price ordinarily must include a full allocation of funds to the stated capital on preference shares, and a substantial consideration to the common shares.

(d) A security structure of a new promotional enterprise providing for an equality of par or stated value for shares of all classes is considered preferable. The consideration for such shares shall be equal to the par or stated value of said shares.

(e) In no event shall promotional shares in excess of 50 per cent be authorized to be issued. (Amended. Filed 1-29-46)*†

369. Securities to be issued as promotion shall be authorized only on a progressive basis when and as securities have been sold and issued for cash or its equivalent; that is, when a share has been sold and issued for cash or its equivalent and the full consideration has been received therefor by the issuer, said issuer may be authorized to issue a share as promotion.* †

370. Promotional shares shall be required to be placed in escrow with an escrow holder first to be approved by the Commissioner.*†

371. Escrowed shares or any interest therein shall not be sold or transferred until the written consent of the Commissioner shall have been first obtained.* †

372. Promotional shares so issued shall carry a waiver of dividend rights and rights to participate in the distribution of assets in the event of liquidation or dissolution, in favor of the shareholders who have paid cash or its equivalent for their shares. Such waivers shall remain in effect so long as the Commissioner shall require said promotional shares to be held in escrow.* †

373. (a) Promotional shares of a new enterprise shall carry no greater voting right than the share purchased for cash or its equivalent.

(b) A company with a securities structure providing for voting and nonvoting stock shall provide in the articles of incorporation that the

*† For statutory and source citations, see note to §300.

nonvoting stock shall acquire the right to elect a majority of the board of directors, when said company has passed the amount of eight quarterly preferential dividends on the nonvoting stock. Said right shall continue in effect until all preferential dividends have been paid.* †

Effective July 15, 1941.

Article 8. Impounding Proceeds from Securities Sales

393. A new company financing by the sale of securities to the public shall be required to impound an amount which may be deemed necessary to initially finance the proposed enterprise.* †

394. A company proposing to expand may be required to impound such proceeds from securities sales as the Commissioner believes necessary to finance such expansions.*†

395. A company in poor financial condition proposing to raise additional working capital by the sale of securities to the public may be required to impound an amount deemed necessary by the Commissioner to provide adequate working capital.*†

396. Funds required to be impounded shall be deposited as a separate trust account with a corporate trustee first approved in writing by the Commissioner.*†

397. An application to the Commissioner for an order approving a depositary for impounded funds shall contain the following:

(a) A copy of a resolution of the board of directors designating the depositary desired; and

(b) The written consent of the depositary agreeing to act pursuant to the order of the Commissioner.*†

398. (a) A period of six months ordinarily shall be the maximum time allowed to a company under a permit to obtain the funds required under an impound.

(b) Applications to the Commissioner to extend impound dates will be looked upon with disfavor.

(c) In the event of an emergency, when the applicant has failed to comply with the time limit in the impound condition of a permit, and it becomes necessary to apply for an amended permit to extend the impound date, said applicant shall make, in addition to the usual requirements of an application, the following showing:

(1) The specific reasons for the necessity of such extension;

(2) A copy of the resolution of the board of directors authorizing the application for said extension to be made to the Commissioner;

(3) An agreement executed by the applicant to immediately refund to the subscribers the full amount paid in to the impound by the subscribers on demand;

(4) A balance sheet reflecting the financial condition as of the close of business as of the preceding month; and

(5) A statement of income and expense to the close of business of the last day of the preceding month. (Amended. Filed 1-29-46)*†

*† For statutory and source citations, see note to §300.

becomes necessary to apply for an amended permit to extend the impound date, said applicant shall make, in addition to the usual requirements of an application, the following showing:

(1) The specific reasons for the necessity of such extension;

(2) A copy of the resolution of the board of directors authorizing the application for said extension to be made to the Commissioner;

(3) An agreement executed by the applicant to immediately refund to the subscribers the full amount paid in to the impound by the subscribers on demand;

(4) A balance sheet reflecting the financial condition as of the close of business as of the preceding month; and

(5) A statement of income and expense to the close of business of the last day of the preceding month. (Amended. Filed 1-29-46)

Printed March 22, 1945

SUBCHAPTER 2. CORPORATE SECURITIES

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3. Applications for Permits—Financial Information
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These rules and regulations are promulgated under authority vested in the Commissioner of Corporations by the Legislature of the State of California and/or in accordance with the general practice of regulatory commissions to assist the public in cooperating in the administration of the various acts that the Commissioner is charged with enforcing.

Most enterprises of each class are somewhat similar. Obviously it is impossible to foresee every new problem. Therefore, these rules are designed to be applied in a majority of matters of the same general character. However, each matter must be analyzed separately and a determination reached based on the merits of the particular matter, considering every factor involved.

The right to alter or amend these rules is reserved by the Commissioner. Prior to the promulgation of changes in the rules public hearings will be held by the Commissioner to afford persons interested an opportunity to make representations to the Commissioner in favor of or in opposition to the proposed changes. Notice of such hearings will be posted on the bulletin boards at the offices of the Division of Corporations in San Francisco, Los Angeles and Sacramento at least fifteen (15) days prior to the first day set for such hearings. Changes in said rules shall not become effective until thirty (30) days after the filing thereof with the Secretary of State of the State of California in accordance with the provisions of Chapter 1334 of the Statutes of 1945. Copies of said rules, modifications, additions or deletions may be obtained at the offices of the Supervisor of Documents of the State of California.

Article 1. General Provisions

300. Offices of the Division of Corporations are located as follows:

Main Office
Sacramento
State Office Building
Tenth and M Streets

Branch Office
San Francisco
State Office Building
Larkin and McAllister Streets

Branch Office
Los Angeles
State Office Building
First and Spring Streets

NOTE—§§300 to 808, inclusive, issued under authority contained in Corporate Securities Act, Chapter 532, Statutes of 1917, Section 5, Deering's General Laws, Act 3814. The source of §§300 to 808, inclusive, is the Rules and Regulations of the Commissioner of Corporations.

301. (a) A petition of a company or an individual resident of, or having the principal place of business or the attorney located in the following counties, shall be filed in the Sacramento office:

Alpine	Lassen	Plumas	Sutter
Amador	Mariposa	Sacramento	Tehama
Butte	Merced	San Joaquin	Trinity
Calaveras	Modoc	Shasta	*Tulare
Colusa	Mono	Sierra	Tuolumne
El Dorado	Nevada	Siskiyou	Yolo
Glenn	Placer	*Stanislaus	Yuba

(b) A petition of a company or an individual resident of, or having the principal place of business or the attorney located in the following counties, shall be filed in the San Francisco office:

Alameda	Kings	Monterey	Santa Clara
Contra Costa	Lake	*Napa	Santa Cruz
Del Norte	Madera	San Benito	*Solano
Humboldt	Marin	San Francisco	Sonoma
*Fresno	Mendocino	San Mateo	

(c) A petition of a company or an individual resident of, or having the principal place of business or the attorney located in the following counties, shall be filed in the Los Angeles office:

Kern	Los Angeles	San Bernardino	Santa Barbara
Imperial	Orange	San Diego	Ventura
Inyo	Riverside	*San Luis Obispo	

302. An application for the issuance and sale of securities shall be made by the company whose securities it is proposed to sell and issue. A petition for a license to act as broker, agent or investment counsel shall be made by the applicant. Such application shall be filed by said company or by duly authorized agent thereof.

303. All petitions, including applications, shall be verified in accordance with the provisions of Section 446 of the Code of Civil Procedure.

* A petition may be filed in any office most convenient to applicant.

Subgroup 3. State School Building Aid

Article Article

(Regulations now being written)

of the plan preparation or acquisition of the right-of-way or site be paid from the minimum amount allocated to local agency, such information, with reasons, shall be stated upon the supporting sheets accompanying the application for plans preparation reimbursement or request for acquisition aid.*†

1565. Allocations to local agencies provided by the act shall be available in cases where one or more local agencies engage jointly in the undertaking of a postwar construction activity as now provided by law, and in cases where a local agency engages in such activity jointly with or through a district or other governmental unit.*†

1566. A local agency may by resolution or ordinance, certified copies of which it files with the Controller, the director, the board and the assignee, assign the money allocated to it under the act, or any portion thereof, to any other local agency or to any governmental unit or district in this State either for the sole use of such assignee or for use by the assignee acting in behalf of any local agency, governmental unit or district or of any combination thereof, including or excluding the assigning local agency. Money unused by the assignee shall be credited to the allocation of the assigning agency. After an assignment, the assignee shall have all the powers and duties given to the assigning local agency or local agencies under the act other than assignment of an allocation and shall generally be treated for the purposes of the act as a local agency, except for the allocation of money to other local agencies.*†

1567. The resolution or ordinance (see sample Form 47-F-11A) adopted by the local agency assigning funds must designate whether the assignment is for the purpose of plan preparation or the acquisition of sites, or both, and shall state the respective amounts assigned.*†

Article 3. Applications for Allotments for Preparation of Plans

1573. (a) A separate application for an allotment of the State's share of the cost of preparing plans shall be filed for each specific project.

(b) Where two or more local agencies propose to engage jointly in a specific project, an application shall be filed by each agency or by one agency designated in resolutions of the legislative bodies of all local agencies which are jointly engaging in the specific project. In such case, each application shall show upon its face that it is one of several joint applications and the identity of each local agency joining in such joint enterprise.*†

1574. Applications shall be prepared in quadruplicate and three copies filed with the Director of Finance on forms supplied by the director, the fourth copy being retained by local agency. Each item on the application form must be completed or must be marked "none."

The following must be attached to each application:

(a) One *certified* copy of the resolution or ordinance adopted by the governing body of the local agency. (See sample appended to these rules.) The resolution or ordinance shall include:

(1) The title of the specific project.

*† For statutory and source citations, see note to §1550.

(2) A statement of the estimated cost of preparing the plans.

(3) The amount of the allotment requested.

(4) A statement that the local agency has made provision for paying one-half or more of the cost of the plans.

(5) A designation of the person, together with his title and address, authorized to act for local agency in matters under the act.

(b) One copy of the preliminary drawings or sketches of the specific project sufficient to give an indication of the construction work to be developed, if available, and if such drawings or sketches are not available, a written description of the proposed project sufficient to indicate the nature and volume of construction contemplated must be outlined. On each drawing, for identification purposes, there shall be shown: (1) name of local agency (2) title of project (3) scale (4) name of architect, engineer or designer and (5) his license number, if work is done under contract.

(c) One copy of the estimate of cost of construction with a breakdown of items of work and material used by local agency in arriving at the estimated figure of cost of construction set forth in the application, such as the cost per cubic foot, per square foot and per lineal foot or other units used in making estimates.

(d) A site plan showing the boundaries of the district to be served by the project, the streets, alleys, improved property and buildings (where affected) and other pertinent data.

(e) One copy of local agency's entire postwar construction program. (See Rule 1561.)

Article 4. Final Completed Plans, Specifications and Estimates

1580. Two copies of the final completed plans, specifications and estimates are required to be filed with the State before final payment of State's share is made to local agency.

(a) Plans for a specific project shall not be deemed complete until complete drawings and specifications have been prepared in such a manner that any competent mechanic or other builder would be enabled to carry them out, the project could be advertised for bids on a competitive basis, and estimates of cost based upon the completed plans and specifications have been prepared.

(b) For specific projects, such as buildings, requiring separate bids from various construction trades, the work of the mechanical trades shall be set forth on drawings, and explained in specifications separated from those for the general work.

(c) Specifications shall be typewritten or printed on paper not larger than 8½″x 13″, properly bound for easy use and shall be divided into subject headings of a general and detailed nature depending upon the subject matter included.

(d) The final estimate from which the estimate of cost of the specific project is determined shall include an itemized list of quantities and

*† For statutory and source citations, see note to §1550.

unit prices. The estimates covering the cost of a specific project shall include a breakdown of items of work and materials and shall be complete showing both unit cost and totals, and in sufficient detail to permit the board to review them quickly and accurately.

(e) Identification information shall be shown on each drawing as provided for in Rule 1574(b).*†

1581. The completed plans, specifications and estimates shall be prepared in accordance with the best standards of practice of the profession or professions involved, viz., the American Institute of Architects, the American Society of Civil Engineers, the American Society of Mechanical Engineers, etc., and compiled in such manner that they may be accurately reviewed by the board.*†

1582. The amount of State participation in the cost of preparing the completed plans shall not exceed 3 per cent of the final estimate of cost of the specific project including cost of plan preparation, except in special cases approved by the board.*†

1583. If payments made to local agency by the State, based on preliminary estimates, exceed the statutory percentage, the local agency will reimburse the State to the extent necessary.*†

1584. The State reserves the right to approve or disapprove the final estimates of cost on the basis of comparable prices and wage levels in the area involved. Where original estimates of cost are being revised to current cost levels, the board in reviewing final estimates of cost may consider, where it deems them applicable, average costs of the year in which such original estimates were prepared, adding thereto or subtracting therefrom the percentage of increase or decrease as shown in the construction cost indexes published by the *Engineering News-Record*, and may limit such increases in accordance with such construction cost indexes.*†

Article 5. Procedure for Filing Claims for Plans Preparation Reimbursement

(After application has been approved)

1590. Applications for reimbursement or payment of the State's share shall be submitted on forms to be provided by the Director of Finance and shall be accompanied by such information and evidence of expenditure as is prescribed by the State Board of Control.*†

1591. (a) Costs involved for work performed by local agency's own forces may include in addition to applicable pay rolls, the cost of expendable materials, transportation directly related to the project, office and equipment rental in excess of normal operation, utility services that are in excess of normal operating costs of the applicant and such other proper charges as may be approved by the board.

(b) When payable or reimbursable from State funds appropriated by the act, the nature and amount of expense account items of local agency's normally employed forces shall be in accordance with local

*† For statutory and source citations, see note to §1550.

agency's rules and regulations, if any, but shall not exceed, as to amount, the maximum amounts allowable under the rules and regulations of the State Board of Control adopted under Section 13920 of the Government Code.*†

1592. The costs for work performed by local agency's own forces shall be limited to salaries of employees, cost of materials and expenses directly attributable to the work. Administrative and supervisorial wages, salaries and expenses of those who would normally be employed by local agency regardless of such work will not be allowed.*†

1593. Where architectural, engineering or planning work is done on a contract basis, all costs paid by local agency for such work, subject to the limitations contained in these rules, may be included in the application. All final plans, specifications and estimates of cost which are prepared by any person or persons other than an official of the local agency shall show the name of the person or persons preparing the same, together with the number of the professional license or licenses held by such person or persons.*†

1594. After an allotment for the preparation of plans has been made to, and expenditures have been made by, a local agency, claims may be filed by the local agency at such intervals as may be approved by the Director of Finance for submission of such claims, for payment of the State's share of the amount actually expended by local agency until 75 per cent of the State's share has been paid to the local agency. The local agency shall also, upon its request, be entitled to reimbursement for up to 25 per cent of the State's share after each 25 per cent of the total estimated cost of preparing plans has been expended by the local agency. No payment in excess of 75 per cent of the State's share will be made until complete final plans, specifications and estimates of cost have been filed with the State.*†

1595. Applications for reimbursement of the State's share will not be approved if the amount, including all previous payments, is in excess of: (1) The total amount of allotment; (2) 50 per cent of the total cost, unless proper application for allotment from the minimum allocation has been approved pursuant to Section 25.3 of the act; or (3) 3 per cent of the estimated total cost of the specific project, unless the board has approved the additional amount.*†

1596. Expenditures for work done on plans after July 1, 1944, may be included if an allotment for such plan preparation has been approved.*†

Article 6. Requests for Allotments of State Funds for Acquisition of Rights-of-way and Sites—Application for Payment After Approval of Request

1601. A separate request for an allotment shall be made for each right-of-way or site proposed to be acquired. All property required as a right-of-way or site for a postwar construction project may be included in one request.*†

*† For statutory and source citations, see note to §1550.

1602. All requests shall be prepared in quadruplicate on forms supplied by the Director of Finance. Each item on the form must be completed or marked "none," in order to enable the board to properly judge and determine the nature of the project, whether or not it qualifies as being of State interest and the relative desirability and cost of the right-of-way or site proposed to be acquired as compared with others available for such purpose.*†

1603. The cost or estimated cost of the acquisition of a right-of-way or site may include the purchase price of the property and other costs directly related thereto, less estimated amounts to be recovered from sale of excess land or improvements and any rental collections received or anticipated, but shall not include wages, salaries and expenses of administrative or supervisorial officers and employees normally and regularly employed by local agency. Any expense account items of local agency's normally employed forces shall be in accordance with local agency's rules and regulations, if any, but shall not exceed, as to amount, the maximum amounts allowable under the rules and regulations of the State Board of Control adopted under Section 13920 of the Government Code.*†

1604. Supplied in duplicate and attached to two copies of the request, shall be the following:

(a) A map showing the proposed site or right-of-way and a plat with each separate parcel to be acquired delineated thereon.

(b) A complete narrative description of each parcel of property including legal description, dimensions, type, size, improvements thereon and general character of neighborhood.

(c) The assessed value of each parcel of property.

(d) Two independent appraisals (a-member of American Institute of Real Estate Appraisers; b-local real estate board or member thereof; c-a responsible bank official) of each parcel of property with which shall be submitted a statement of each appraiser's qualifications and experience, and a summary of the information upon which the appraisals are based, such as (1) recent sales; (2) listings; (3) rental values.

(e) A statement of other rights-of-way or sites and the cost or estimated cost thereof which were considered by local agency in making the selection for which the allocation is being requested and reasons why the selection made is preferable.

(f) One copy of local agency's entire postwar construction program. (See Rule 1561)

(g) A certified copy of the resolution or ordinance of the governing body of the local agency requesting the allotment, which must include:

(1) A title designation of the site or right-of-way sufficient to identify it.

(2) The cost or estimated cost of the acquisition of the site or right-of-way, less amounts estimated to be recovered from sale of excess land or improvements, and to be received from rental collections.

(3) A statement showing that the local agency has made provision for payment of one-half or more of the cost of acquisition and the details of the manner in which such provision has been made.

*† For statutory and source citations, see note to §1550.

(4) A designation of the person, his title and address who has been authorized to act as the agent of the local agency in matters under the act.*†

1605. Prior to approval of a request for acquisition aid, the board will secure from qualified sources such appraisals and reports as it deems necessary to determine the relative desirability and if the cost of acquiring the right-of-way or site is reasonable.*†

1606. Acquisitions of rights-of-way or sites under the act, except in eminent domain proceedings, must, unless a different procedure is approved by the Director of Finance, be completed through escrow and in accordance with the procedure contained in these rules.*†

1607. Payment of the State's share of the cost of securing a right-of-way or site will be subject to the securing by local agency of title to such right-of-way or site which will be satisfactory to the Director of Finance. Generally, the title secured or to be secured must be free and clear of all liens, encumbrances and defects of title, such as mortgages, deeds of trust and easements which may interfere with the intended use of the property. Whether taxes or assessments shall be paid prior to acquisition of a right-of-way or site shall be determined by the local agencies involved.*†

1608. After the board has approved the request of a local agency for aid in the acquisition of sites or rights-of-way and expenditures have been made by the local agency or it is obligated to make an expenditure in order to complete the acquisition, it may submit in duplicate an application to the Director of Finance for payment, on forms supplied by the Director of Finance and which shall contain all information required thereby.*†

1609. On or before the date local agency submits an application for payment of the State's share of the amount to be paid for the acquisition of the right-of-way or site, the Director of Finance must be furnished with the following:

(a) An identification of the particular parcel or parcels of property for which State funds are requested in the application for payment, such identification to be with reference to the maps or plats accompanying the request for acquisition aid or subsequently submitted.

(b) A written statement by a reputable title company, signed by a responsible officer, that the title to such parcel or parcels has vested in local agency or that the title company holds documents which upon receipt of a designated sum will vest title in local agency, free and clear, in either event, of all liens, encumbrances and defects of title except as shall be enumerated and completely described in such statement.

(c) A certified statement of the authorized agent that the parcel or parcels of property for which State funds are requested in the application for payment, in good faith have been or, upon payment to the owners thereof, will be acquired. Such statement shall show the consideration paid or to be paid for each such parcel and the total expenditure to date for the right-of-way or site, less estimated or actual amounts

*† For statutory and source citations, see note to §1550.

recovered or to be recovered from sale of excess land or improvements and any rental collections received or anticipated.

(d) Where title has been or is being secured under condemnation proceedings, a certified copy of the interlocutory judgment and, if payment has been made, of the final judgment.

(e) Certified statement of the total cost paid or to be paid for the acquisition of the right-of-way or site.*†

1610. If payment is made to a local agency before completion of the acquisition then, when the acquisition is completed, the Director of Finance shall be furnished with:

(a) An itemized statement properly certified on behalf of the local agency of the cost of acquisition, listing the purchase price of the acquisition and other costs directly related thereto and which are allowable under these rules.

(b) A written statement by a reputable title company, signed by a responsible officer, that the acquisition has been completed and that title to the right-of-way or site has vested in local agency free and clear of all liens, encumbrances and defects of title, subject to such exceptions, if any, as shall be completely described. In lieu of such written statement, a certified copy of the policy of title insurance issued in connection with the acquisition may be furnished.*†

1611. After determining that all the proper information has been submitted and the title secured or to be secured is satisfactory, the Director of Finance will approve the application for payment within 60 days after receipt thereof or of the final information requested by him.

1612. On approval of the application for payment, the Director of Finance shall transmit a claim for the amount due, together with all supporting information, to the State Controller for issuance of warrant.*†

1613. These rules and regulations shall supersede any and all rules and regulations heretofore adopted by the board.*†

Article 6. Appendix. Sample Forms to be Used

1614. The sample forms appended to these rules and listed below, or as such forms may be augmented or revised from time to time by the Director of Finance or the board, shall be used by local agencies in securing State aid under the act.

Form No.	
**47-F-4A	APPLICATION FOR PLAN PREPARATION REIMBURSEMENT (47-F-4 AND 47-F-6 REVISED INTO ONE FORM)
47-F-5	RESOLUTION TO ACCOMPANY PLANS APPLICATION
47-F-7	RESOLUTION FOR JOINT PLAN PREPARATION
**47-F-8A	REQUEST FOR ACQUISITION AID (47-F-8 AND 47-F-10 REVISED INTO ONE FORM)
47-F-9A	RESOLUTION TO ACCOMPANY ACQUISITION REQUEST (REVISED 47-F-9)
47-F-11A	RESOLUTION FOR ASSIGNMENT OF ALLOCATIONS (REVISED 47-F-11)
**47-F-17	TRANSFER OF ALLOCATIONS, SITES TO PLANS (NEW)
47-F-18	LOCAL AGENCY'S RESOLUTION, SITES TO PLANS (NEW)*†

** NOTE.—The following printed forms, 47-F-4A, 47-F-8A and 47-F-17, are available at the office of the Director of Finance, Sacramento, and local agencies may procure the number required by sending in a request.

*† For statutory and source citations, see note to §1550.

47-F-4A (REVISED 47-F-4)

STATE OF CALIFORNIA
DEPARTMENT OF FINANCE
ROOM 306 STATE CAPITOL
SACRAMENTO 14, CALIFORNIA

(FOR STATE'S USE ONLY)	
Application Number	
Date Received by State	
Allotment Number	
Executive Order Issued	
Amount Approved	$

APPLICATION FOR PLAN PREPARATION REIMBURSEMENT FOR PUBLIC WORKS PROJECTS

(Under provisions of Chapter 47, Statutes of 1944 (4th Extra Session) and Rules and Regulations prescribed thereunder)

To: STATE DIRECTOR OF FINANCE:

Application is hereby made in triplicate and the authorized agent signing this application on behalf of local agency hereby certifies that the statements set forth in this and attached sheets are true to the best of his knowledge and belief. (Prepared in quadruplicate in accordance with revised rules and forms and fourth copy retained.)

Applicant..... Date.....
Local Agency

Signature of person designated by resolution as "Authorized Agent".....
Signature

Title..... Mailing address.....

Local Agency's Resolution No..... Dated.....
(Certified copy attached)

Assignment resolution(s) (if any) No.(s)..... Dated.....
(Certified copy(ies) attached)

1. Short Title of Specific Project.....

2. Description and Scope of Specific Project. (Location, type and size of structure (attached preliminary plans or sketches available), availability of necessary land, and other factual data.).....

3. Funds or sources from which money is being made available by Local Agency for paying one-half or more of cost of plan preparation

(1)..... $..... (2)..... $.....

4. **Estimated or Actual Cost of Plans** (Excluding cost of supervision of construction)
 a. Preliminary investigation, surveys, etc. (if any) $_____
 b. State fees (if any) $_____
 c. Plans, specifications and estimates $_____
 d. Total (a + b + c) $_____
 e. Expense incurred prior to July 1, 1944 (if any) $_____
 f. Total actual and/or estimated expense incurred or to be incurred after July 1, 1944 $_____

5. **Estimated Cost of Specific Project**
 a. Total cost of plans (same as 4d) $_____
 b. Amount of architect's or engineer's fee for supervising construction (if any) $_____
 c. Estimated cost of construction (breakdown attached) . . . $_____
 d. Total cost of specific project including plans (5a + 5b + 5c) . $_____
 e. 6% of cost of project (6% of Item 5d) $_____

6. **Amount applied for** $_____

7. **Status of Plan Preparation Work**
 a. Date started or to start.....
 b. Estimated approximate date for completion of final plans, specifications and estimates.....

8. **Local Agency Desires to File Claims for Reimbursement** (*check which*)
 ☐ Monthly ☐ Quarterly ☐ Semi-Annually ☐ For each 25% of cost
 ☐ One lump sum after completion

9. Professional services will be rendered by Local Agency's employees (Yes or No) _____. If by contract, name of person or firm rendering service.....
 License No.....
 (If by contract, attach copy of contract)

10. Summary of Local Agency's postwar construction program attached.

APPLICATION APPROVED

STATE OF CALIFORNIA

By.....
Director of Finance

Date.....

POSTWAR PUBLIC WORKS REVIEW BOARD

By.....
Chairman

Date.....

47-F-5

SAMPLE RESOLUTION

(To Accompany Plans Application)

RESOLUTION No._____

1. WHEREAS, The State of California under Chapter 47, Statutes of 1944 (4th Extra Session), has appropriated funds for allotment by the Director of Finance to provide financial assistance to Local Agencies defined therein as counties, cities or cities and counties for the purpose of defraying not to exceed one-half the cost of preparing engineering field surveys, engineering or architectural designs, and working and detailed drawings and specifications (hereinafter called "Plans") required for postwar public works projects described as "specific projects" in said Act; and

2. WHEREAS, The_____, hereinafter designated as "Local Agency",
Local agency
desires to apply to the Director of Finance and/or the Postwar Public Works Review Board, as the case may be, for an allotment of the State's share of the estimated cost of preparing the completed plans hereinafter mentioned and there has been prepared and presented to this legislative body for consideration an application for such purpose; and

3. WHEREAS, Local agency has provided, or will make available upon approval of the aforementioned application, sufficient funds to prepare the completed plans herein mentioned; now, therefore, be it

4. *Resolved*, That local agency submit the aforesaid application to the Director of Finance and/or the Postwar Public Works Review Board, as the case may be, requesting allotment of_____ ($_____) dollars being not more than one-half the cost of preparing said completed plans, or for such amount as may be approved by the Director of Finance and/or the Postwar Public Works Review Board (said allotment to be used for the purpose of defraying the cost of preparing said completed plans required), for a specific project to be undertaken by local agency and described as_____; be it further
Title of project

5. *Resolved*, That the estimated cost of preparing such plans is_____ ($_____) dollars and that local agency has made provision for paying one-half or more of the cost of preparing such plans; be it further

6. *Resolved*, That for the purposes of this application, _____
Name
_____ _____ be and he hereby is designated as the authorized agent of local
Title Address
agency and is hereby authorized and directed to sign the above-mentioned application on behalf of the local agency and submit the same to the Director of Finance and/or the Postwar Public Works Review Board together with a certified statement of the estimated cost of preparing such plans and such other information as may be required; and said authorized agent is further authorized and directed as the representative of local agency to conduct all negotiations and conclude all arrangements, including submission to the Director of Finance of applications for reimbursement, which may be necessary to secure reimbursement for the State's share of the expenditures made in preparing said completed plans.

Ch. 47-F-7 For plans only

SAMPLE JOINT RESOLUTION

(For Joint Plan Preparation)

RESOLUTION No._____

1. WHEREAS, The State of California under Chapter 47, Statutes of 1944 (4th Extra Session), has appropriated funds for allotment by the Director of Finance to provide financial assistance to local agencies defined therein as counties, cities or cities and counties for the purpose of defraying not to exceed one-half of the cost of preparing engineering field surveys, engineering or architectural designs, and working and detailed drawings and specifications (hereinafter called "Plans") required for postwar public works project described as "specific projects" in said act; and

2. WHEREAS, Said act provides that allocations thereunder shall be available in cases where one or more local agencies engage jointly in the undertaking of a postwar construction activity, and in cases where a local agency engages in such activity jointly with or through a district or other governmental unit; and

3. WHEREAS, The_____ and_____
Local agency adopting this resolution Local agency
hereinafter referred to as "Local Agencies" have agreed to engage jointly in the undertaking of a postwar construction activity entitled_____under said
Title of project
act and to share the cost of such postwar construction activity on the basis of local agency adopting this resolution bearing_____per cent of such cost and_____
Local agency
bearing_____per cent of such cost; and

4. WHEREAS, The local agency adopting this resolution desires jointly with _____to apply to the Director of Finance and/or the Postwar Public Works
Local agency
Review Board, as the case may be, for an allotment of the State's share of the estimated cost of preparing the completed plans hereinafter mentioned and there has been prepared and presented to this legislative body for consideration an application for such purpose; and

5. WHEREAS, The local agency adopting this resolution has provided or will make available upon approval of the aforementioned application sufficient funds to pay one-half or more of its share of the cost of preparing the completed plans herein mentioned; which funds together with the amount provided or to be provided by _____for such purpose will equal one-half or more of the cost of preparing
Local agency
the said plan; now, therefore, be it

6. *Resolved*, That the aforementioned local agencies jointly present said application to the Director of Finance and/or the Postwar Public Works Review Board, as the case may be, requesting an allotment and reimbursement of_____ ($_____) dollars being not more than one-half of the cost of preparing completed plans required for said postwar construction activity or an allotment of such amount as may be approved by the Director of Finance and/or the Postwar Public Works Review Board. Be it further

7. *Resolved*, That the estimated cost of preparing such plans is_____ ($_____) dollars and that the local agency adopting this resolution has made provision for paying one-half or more of its proportionate share as herein set forth of the cost of preparing such plans; and be it further

8. *Resolved*, That for the purposes of the aforesaid application_____
Name
_____ _____ be and he hereby is designated as the authorized agent of
Title Address
the herein named local agencies, and he is hereby authorized and directed to sign the above-mentioned application on behalf of said local agencies and present the same to the Director of Finance and/or the Postwar Public Works Review Board together with a certified statement of the estimated cost of preparing such plans, and such other information as may be required; and such authorized agent is further authorized and directed as the representative of said local agencies to conduct all negotiations and conclude all arrangements, including presentation to the Director of Finance of applications for reimbursement, which may be necessary to secure reimbursement for the State's share of the expenditures made in preparing said completed plans.

47-F-8A (REVISED 47-F-8)

STATE OF CALIFORNIA
DEPARTMENT OF FINANCE
ROOM 306 STATE CAPITOL
SACRAMENTO 14, CALIFORNIA

(FOR STATE'S USE ONLY)	
Request (App.) No. . .	
Date Rec'd by State . .	
Allotment No. . . .	
Date of Allotment . .	

REQUEST FOR ACQUISITION AID FOR RIGHTS-OF-WAY OR SITES FOR A PUBLIC WORKS PROJECT

State Aid to Local Agencies Under Chapter 47, Statutes of 1944 (4th Extra Session)

Request is hereby made in triplicate to the Postwar Public Works Review Board of the State of California for State aid under the above Act, and rules and regulations prescribed thereunder, for payment to Local Agency of the State's share of the cost of acquiring the herein described right-of-way and/or site for the public works project set forth herein and in exhibits appended hereto. The authorized agent signing this request hereby certifies that the statements set forth herein and on the attached sheets are true to the best of his knowledge and belief. (Prepared in quadruplicate in accordance with revised rules and forms and fourth copy retained.)

Applicant.....Date.....

Signature of person designated by resolution as "Authorized Agent".....
Signature

Title.....Mailing address.....

Local Agency's Resolution No.....Dated.....
(Certified copy attached)

Assignment Resolution(s) (if any) No.(s).....Dated.....
(Certified copy(ies) attached)

1. Brief description of right-of-way and/or site.....

(See attached exhibits numbered....., including (a) Legal description of right-of-way and/or site; (b) Key city or county map showing location, dimensions, and plat upon which each parcel is delineated; (c) List and description of existing improvements.)

2. Necessity and purpose of acquiring this right-of-way and/or site, and explanation of the nature of contemplated developments and improvements.....

3. Federal, State or local officers and agencies who have reviewed and approved the acquisition and the public works project.

4. Funds or sources from which money is being made available by Local Agency for paying one-half or more of cost of this acquisition

(1).....$.....(2).....$.....

5. Appraisal services rendered by: i.....
(Two separate appraisals attached)

ii.....

Including (a) Assessed values of right-of-way or site covered by this request; (b) Recent sales; (c) Listings; (d) Rentals, etc., of properties contiguous thereto; (e) Appraisers' qualifications and experience.

6. Other rights-of-way or sites considered and reasons for selection made.....

7. Date acquisition will be completed.....

8. Cost or Estimated Cost of:

		Amounts anticipated from:	
a. Land only	$	g. Sale of excess land	$
b. Existing improvements	$	h. Salvage from improvements	$
c. Title costs	$	i. Rents	$
d. Relocating improvements (*explain*)	$	j. Total (g + h + i)	$
e. Other direct expense (*explain*)	$	k. Total cost (as item f)	$
f. Total (a to e, inclusive)	$	l. Net cost (k less j)	$

9. Amount of this request (State's share) . . $.....

10. Summary of Local Agency's postwar construction program attached.

APPROVED FOR $.....

POSTWAR PUBLIC WORKS REVIEW BOARD

By.....
Chairman

Date Approved.....

47-F-9 A
(Revised 47-F-9)

SAMPLE RESOLUTION

(To Accompany a Request for Acquisition Aid)

RESOLUTION No._____

1. WHEREAS, The State of California under Chapter 47, Statutes of 1944 (4th Extra Session) has appropriated funds for allotment to provide financial assistance to local agencies defined therein as counties, cities or cities and counties for the purpose of defraying not to exceed one-half the cost of acquiring rights of way or sites for public works projects determined to be desirable in post-war public works programs of such local agencies; and

2. WHEREAS, The_____hereinafter designated as "Local agency," desires
Local Agency
to submit its request for State aid in the acquisition of a right of way or site under said act; and

3. WHEREAS, A request to the Postwar Public Works Review Board for such aid has been prepared and presented to this legislative body for consideration; and

4. WHEREAS, Local agency has made provisions for paying one-half or more of the cost of such acquisition; now therefore be it

5. *Resolved*, That local agency submit the aforesaid request for acquisition aid to the Postwar Public Works Review Board for the State's share of the cost of such acquisition; and be it further

6. *Resolved*, That local agency hereby certifies that the total estimated cost to be paid for the acquisition of the right of way or site for which it is requesting aid under said act is $_____; and be it further

7. *Resolved*, That local agency hereby requests the State to pay the State's share of the total cost to be paid for the acquisition for which local agency is requesting aid; be it further

8. *Resolved*, That for the purpose of this request

Name Title Address

be and he hereby is designated as the authorized agent of local agency and is hereby authorized and directed to sign the herein mentioned request on behalf of local agency and to submit the same to the Postwar Public Works Review Board together with a certified statement of the total cost to be paid for the acquisition of the herein mentioned right of way or site and such other information as may be required; and said authorized agent is further authorized and directed as the representative of local agency to conduct all negotiations and conclude all arrangements, including submission to the Director of Finance of applications for payment, which may be necessary to secure payment of the State's share of the cost of the acquisition of the aforementioned right of way or site.

47-F-11 A
(Revised 47-F-11)

SAMPLE RESOLUTION

(Local Agency's Resolution for Assignment of Allocations)

RESOLUTION No.----------

1. WHEREAS, The State of California under Chapter 47, Statutes of 1944 (4th Extra Session), has appropriated funds for allotment to local agencies, defined therein as cities, counties or cities and counties for the purpose of defraying not to exceed one-half of the cost of preparing engineering field surveys, engineering or architectural designs and working and detailed drawings and specifications, and for the purpose of paying one-half or less of the cost of acquisition of right of way and sites, for post-war public works projects in which there is a State interest (as qualified by the act) all as set forth in said act; and

2. WHEREAS, The aforesaid act authorizes a local agency to assign the money allocated to it thereunder, or any portion thereof, to any other local agency, or to any governmental unit or district in this State; and

3. WHEREAS, The----------has had allocated to it
Local agency making assignment
by said act an allocation for----------
Plan preparation. Acquisition of rights of way and sites
which contains a sufficient balance to permit the assignment therefrom of----------
and ___/100 Dollars ($----------) to----------

Another local agency or any governmental unit or legally constituted district of this State
and it is desired to make such assignment; now therefore be it

4. *Resolved*, That----------hereby assigns to
Local agency making assignment

Another local agency or any governmental unit or legally constituted district in this State
from the aforesaid allocation for----------
Plan preparation. Acquisition of rights of way and sites
the sum of----------and ___/100 Dollars ($----------) for (specify whether for the sale use of such assignee or for use by the assignee acting in behalf of any local agency, governmental unit or district or of any combination thereof, including the assigning local agency); such assignment to be for the uses and purposes of the aforesaid act; and be it further

5. *Resolved*, That certified copies of this Resolution shall be filed with the Assignee, the State Controller, the State Director of Finance and the Postwar Public Works Review Board.

NOTE: Paragraphs 3 and 4 must designate whether the amount is for the purpose of "Plan Preparation" or the "Acquisition of Sites" or both, and shall state the respective amounts assigned.

47-F-17

STATE OF CALIFORNIA
DEPARTMENT OF FINANCE
Room 306, State Capitol
Sacramento 14, Calif.

(FOR STATE'S USE ONLY)
Application No. TR_____
Date Rec'd by State_____
Board Resolution No._____

APPLICATION FOR THE USE OF RIGHT OF WAY AND SITES MONEYS FOR THE PREPARATION OF PLANS

State Aid to Local Agencies under Chapter 47, Statutes of 1944 (4th Extra Session)
Amended by Chapter 1455, Statutes of 1945

The within named local agency hereby requests of the Postwar Public Works Review Board that money heretofore allocated or assigned to local agency for acquisition of rights of way and sites be transferred and allotted to local agency in the amount hereinafter set forth in order that the within named local agency may apply for all or part of said amount to be used for the purpose of preparing surveys, plans and specifications.

Date_____Applicant's reference, if any_____

Applicant _____

Local Agency's Certified Resolution (attached) (Local agency) No._____Dated_____

AMOUNT REQUESTED $_____

Brief explanation of the necessity of this transfer_____

APPROVED:
POSTWAR PUBLIC WORKS REVIEW BOARD
By _____
(Chairman)
Date approved by board_____

(Applicant)
By_____

47-F-18

RESOLUTION No._____

FOR TRANSFER OF RIGHT OF WAY OR SITES MONEY TO PLANS PREPARATION ALLOCATIONS

1. WHEREAS, The State of California under Chapter 47, Statutes of 1944 (4th Extra Session), appropriated funds for allotment to local agencies, defined therein as cities, cities and counties, or counties, for the purpose of aiding in the acquisition of rights of way and cites for certain postwar public works projects in which there is a State interest, all as set forth in said act; and

2. WHEREAS, Chapter 1455, Statutes of 1945, which amends the aforesaid act, authorizes a local agency to use moneys allocated to such local agency, under said act, for acquisition of rights of way and sites, to be transferred and used in preparing surveys, plans and specifications for a specific project; and

3. WHEREAS, _____, hereinafter
(Local agency)
called "Local agency," has had allocated to it by said act an allocation for the acquisition of rights of way or sites which allocation contains a sufficient balance to permit local agency to apply to the Postwar Public Works Review Board under the aforesaid act, as amended, for the transfer therefrom of the sum hereinafter mentioned to be added to the amount allocated or assigned to local agency for the preparation of surveys, plans and specifications for a specific project as set forth in said act; and

4. WHEREAS, An application for such transfer has been submitted to this governing body for consideration; now, therefore, be it

5. *Resolved*, That local agency herein named applies to the Postwar Public Works Review Board pursuant to the provisions of Chapter 47, Statutes of 1944 (4th Extra Session) as amended by Chapter 1455, Statutes of 1945, for the transfer of the sum of_____dollars ($_____) from local agency's allocation for acquisition of rights of way or sites, to be added to the amount allocated or assigned to local agency under said act for the preparation of surveys, plans and specifications for a specific project; and be it further

6. *Resolved*, That_____
(Insert name and title)
is hereby authorized and directed to sign said application on behalf of local agency and transmit the same to the Postwar Public Works Review Board and that three certified copies be forwarded to said Postwar Public Works Review Board.

SUBCHAPTER 5. STATE ALLOCATION BOARD

Article
1. Definitions.
2. General Provisions.
3. Legal Relatives and Responsibilities.
4. Application and Allotment.
5. Plans, Specifications and Estimates.
6. Contracts.
7. Construction.
8. Acquisition of Rights of Way (Applies only to County Roads)
9. Payment of State's Share.

FOREWORD

The stated purpose of the "Construction and Employment Act" is to alleviate and prevent unemployment by granting financial assistance to local agencies so that they may engage in a large public works construction program.

The State Allocation Board is to prescribe rules and regulations under the act and make allocations of State financial aid. The Director of Finance is charged with the administration of the act.

The Rules and Regulations set forth the procedure to be followed by local agencies in securing financial assistance from the State.

Additional information and copies of forms may be obtained by writing to the Director of Finance, State Capitol Building, Sacramento 14, California.

Article 1. Definitions

1650. As used in these Rules and Regulations, the words and terms defined in this rule shall have the following meaning, subject to the provisions of the act:

(a) **The Act.** Chapter 20, Statutes of 1946 (First Extraordinary Session), and any amendments thereto.

(b) **Application.** Forms supplied by the Director of Finance properly completed and signed by the authorized agent, together with such resolutions, plans, estimates and other information as may be required to accompany said form.

(c) **Authorized Agent.** The person appointed and authorized by resolution or ordinance of the local agency to represent the local agency in all matters pertaining to the act other than those requiring action by the governing body of the local agency.

(d) **Board.** The State Allocation Board as created by the act.

(e) **Construction.** Includes the supervision, inspection, actual building, and all expenses incidental to the construction, reconstruction, modification and alteration of public buildings and facilities but does not include ordinary repair and maintenance, nor, except as provided in Section 11 of the act, acquisition of sites or right of way.

(f) **Controller.** The State Controller.

(g) **Department.** The State Department of Finance.

(h) **Director.** The State Director of Finance.

(i) **Local Agency.** Any county, city and county or city of the State, or any other governmental unit or district of the State which has received an assignment from a local agency.

(j) **Project.** Includes the construction of publicly owned and operated facilities in which the Legislature finds and declares in the act that there is a State interest, proposed to be undertaken by local agencies in accordance with the act.

(k) **School.** A school located in any school district which includes all or any portion of the county when the project is to be paid for in part from the county allocation, and a school located in a school district which includes all or any portion of the city when the project is to be paid for in part from the city allocation.

(*l*) **Sewage Facility or Sewage Project.** Includes sewage treatment and disposal plants, trunk and outfall sewers, and other facilities for the collection, transportation, treatment and disposal of sewage, but does not include local street sewers as distinguished from main trunk, interceptor and outfall sewers.

(m) **Water-Works System.** Includes facilities necessary to the supply, pumping, storage and treatment of water but does not include water distribution mains.

NOTE.—§§1650 to 1701, inclusive, issued under authority contained in Section 7(c) of the Construction and Employment Act, Chapter 20, Statutes of 1946, as amended by Chapter 103, Statutes of 1946 (First Extraordinary Session). Source of §§1650 to 1701, inclusive, is the Rules and Regulations of the State Allocation Board.

Article 2. General Provisions

1651. Allocations of Funds. Of the money appropriated by the act there is allocated $45,000,000 for expenditure within counties and $45,000,000 for expenditures within cities for the purpose of defraying the State's share of the cost of construction of projects.

(a) **County Allocations.** One-third of the county allocation shall be used for reimbursing counties for the State's share of the cost of the acquisition and of rights of way for, and the construction and improvement of, county roads and highways in unincorporated territory and two-thirds will be available for the construction of projects in which there is a State interest, namely, hospitals and sanatoriums, detention homes, schools, sewage facilities, sanitation facilities, roads, highways, tubes, bridges, road and highway facilities, flood control, fire prevention and protection facilities, harbor facilities, and as provided by Chapter 110, Statutes of 1946 (First Extra Session), Veterans Facilities. Each county shall receive a minimum of $100,000 excluding the amount allocated for road and highway purposes.

(b) **City Allocations.** Any funds allocated to a city under the act must first be used to construct sewage projects unless the board after consultation with the State Department of Public Health determines that sewage facilities are adequate to meet the reasonable needs of the city; or that provision already has been made to finance construction of such facilities.

Any funds allocated to a city which are not required for sewage facilities shall be expended only for the construction of major streets, including bridges and other street structures or facilities, schools, storm drains, the improvement of existing publicly owned waterworks systems, and as provided by Chapter 110, Statutes of 1946 (First Extra Session), Veterans Facilities.*†

*† For statutory and source citations, see note to §1650.

1652. Right of Way Acquisition. Moneys apportioned exclusively for road and highway construction in counties may be used for the acquisition of rights of way, but only in connection with the construction of county road or highway projects under the provisions of the act and these rules.*†

1653. State Share of Cost. The State's share of the actual cost of construction shall not exceed fifty per cent (50%); provided, however, any county may make application for aid from the State for the construction of road and highway projects without the matching of such State aid by the county, and the board shall approve such application or applications in an amount not to exceed seventy-five thousand dollars ($75,000) in the aggregate for any such county.*†

1654. Local Agency's Share of Cost. Any money, Federal, State, or local, public or private, lawfully available for expenditure by or on behalf of a local agency for the construction of a project under the act, other than money made available by this act, shall be considered as part of the money required to be provided by the local agency under this act.*†

1655. Application for Funds. All applications for allotments under this act shall be addressed to and filed with the Director of Finance, State Capitol, Sacramento (14), California. The final date for filing applications is December 31, 1949.*†

1656. Payment of State's Share. Payment of the State's share of the cost of construction will be made upon presentation of claims on forms provided by the Department. Payment will be made in the name of local agency.*†

1657. Assignment of Funds. A local agency may by resolution, certified copies of which it files with the Director, the Controller, the Board, and the assignee, assign the money allocated to it under the act, or any portion thereof, to any other local agency or to any governmental unit or district in the State. Money unused by the assignee shall be credited to the allocation of the assigning agency. The expenditures of funds by an assignee will be governed by the provisions of the act which govern the expenditure of the same funds by the assignor.*†

1658. Joint Undertakings. Two or more local agencies may engage jointly in undertaking the construction of a project. One or more local agencies may engage in activity jointly with or through a district or other governmental unit.*†

1659. Agreements for Performance of Road Work. Any county may enter into agreements with the Department of Public Works, or any city in such county, for the performance of the work or any portion thereof on any road or highway project.*†

1660. Day Labor Work. The construction of projects by days' labor or force account must be in compliance with all laws, charters or other regulations applicable thereto, and in addition, the Director must be notified in advance and a proper accounting procedure satisfactory to the Director worked out in connection with claims for reimbursement.*†

*† For statutory and source citations, see note to §1650.

1661. Government Code, Labor Code, Political Code. The provisions of Division 5 of Title 1 of the Government Code and Part 7 of Division 2 of the Labor Code are applicable to public works or projects constructed from funds allocated under this act. Sections 13320-13324, inclusive, 13920 and 16003 of the Government Code, and Sections 3714-3714.26, inclusive, of the Political Code do not apply to the expenditure of allocations to local agencies made under the act.*†

1662. Waiver of Rules. The Director of Finance shall have the right, insofar as it may be compatible with the provisions of the act, to waive or modify any of these rules where necessary to comply with the procedures of any other State agency, or to provide aid for emergency construction, or to conform with any other applicable State or Federal laws. Any such action shall be reported to the Board at its next meeting.*†

1663. Recommendations. The Director is authorized to make any recommendations to the local agency which he deems proper regarding any phase of any project.*†

1664. Information. The local agency shall prepare and furnish any information regarding any phase of the construction or the cost thereof to the Director as he may request.*†

Article 3. Legal Relations and Responsibilities

1665. Award of Contracts. The local agency shall be the sole awarder of all contracts awarded for any phase of work done under provisions of the act.*†

1666. Compliance with Laws. The local agency will be solely responsible for the compliance with all Federal, State and local laws and regulations which may be or become applicable to the work done under the act.*†

1667. Adequacy and Suitability of the Work. The Board or Director will not assume responsibility for the adequacy and suitability of plans, specifications, estimates or construction of any project under the act. Such matters are the responsibility of the local agency.*†

1668. Operation and Maintenance. The Board or the Director will not assume any responsibility for the maintenance and operation of any project constructed under the act. No moneys appropriated by the act may be used for operation or maintenance.*†

Article 4. Application and Allotment

1669. Separate Application for Each Allotment. A separate application for an allotment of the State's share of the cost of construction shall be filed for each project.*†

1670. Applications for Joint Undertakings. Where two or more local agencies propose to engage jointly in a project, an application shall be filed by each agency or by one agency designated in resolutions of the

*† For statutory and source citations, see note to §1650.

legislative bodies of all of the local agencies jointly engaged. Each application for a joint undertaking shall show the identity of all local agencies joining in the enterprise.*†

1671. Preparation and Filing. Applications shall be prepared in quintuplicate on forms supplied by the Director. Four copies shall be filed with the Director, the fifth copy being retained by the local agency. Each item on the application form shall be completed or shall be marked "none."*†

1672. Attachments. The following shall be attached to each application:

(a) **Resolution.** Two certified copies of a resolution or ordinance adopted by the governing body of the local agency which shall include:

(1) The title of the project.

(2) A statement that the local agency has made provision for paying its share of the construction cost.

(3) The amount of the allotment requested.

(4) A statement of the estimated cost of construction.

(5) A designation of the person, together with his title and address, authorized to act for the local agency in all matters under the act.

(b) **Cost Estimate.** Two certified copies of a statement of the estimated cost of construction of the project. The estimated cost shall be accurate and shall be based on the costs prevailing at the time the application is submitted. The estimated cost shall show a complete breakdown of items of work and materials giving amounts and unit prices and any other figures used by the local agency in arriving at the estimated cost of construction shown on the application. All cost data shall be presented in such manner in sufficient detail to allow for thorough and rapid checking.

(c) **Plans and Specifications** (See Rules 1675 to 1677). One copy of the general plans and description of the project, sufficient to enable the Director and Board to determine the intended use and eligibility of the project. Such general plans and description shall be supplemented by additional copies and such detailed plans as may be required by the Director.

(d) **Site Plan.** Two copies of a site plan or sketch of the project prepared in such a manner that the project can be readily located and identified.

(e) **Right of Way Acquisition.** In those cases where the act authorizes State aid in acquiring rights of way, data shall be submitted as required by Rule 1693.

(f) **Unemployment.** Except for city sewage and county highway projects, a statement of the facts which the local agency desires the Board to consider in making its determination as to whether the project meets the requirements of the act as to the prevention or alleviation of unemployment.*†

*† For statutory and source citations, see note to §1650.

1673. Resolution of Allotment. After determining that all information required by the act and these rules has been submitted on or with the application, the Director will refer it to the Board. If the Board determines that the application meets the requirements of the act, it will by a resolution adopted by it allot to the local agency the State's share of the cost of the construction and provide the local agency with a copy of said resolution.

With the exceptions of county road and city sewage projects no allotment will be made until the Board determines that the construction of the project will contribute to the prevention or alleviation of unemployment as provided by the act.

In its resolution of allotment the Board will specify the earliest date, latest date, or both for the commencement of a project, giving consideration to the relation between construction of the project and the purposes of the act relating to unemployment.

Immediate construction of city sewage and county road projects will be authorized in accordance with the act, but the Board may specify the latest dates for the commencement of such projects.

No portion of an allotment may be expended in payment for costs incurred before the date of the Board's resolution of allotment except that this shall not prevent reimbursement to a local agency for materials furnished by it for the project, even though such materials were purchased prior to the allotment.*†

1674. Revised Estimates. A local agency desiring to revise the cost estimate of a project for which an allotment has been made, may do so by submitting an application containing the revised estimate. Such application shall state the reasons for revising the estimate and shall be accompanied by any revised plans and specifications, or such portions thereof, as are necessary to show any changes or additions to those previously submitted.*†

Article 5. Plans, Specifications and Estimates

1675. Cost of Preparation. Moneys appropriated by the act are not available for payment of any portion of the cost of the preparation of the plans, specifications and estimates.*†

1676. Standards of Work. The plans and specifications submitted shall be in accordance with the best standards of practice of the professions involved and shall be so compiled that they may be accurately reviewed. They shall be prepared in such a manner that any competent mechanic or builder could carry them out and, if otherwise in compliance herewith, they may conform with the usual practices of the local agency when calling for bids and letting contracts for the particular type of work planned.*†

1677. Identification of Plans. For purposes of identification there shall be shown on each drawing the information as required by law, including:

(1) Name of the local agency
(2) Title of the project
(3) Name, signature, address and license or certificate numbers of architects and/or engineers.*†

*† For statutory and source citations, see note to §1650.

Article 6. Contracts

1678. Notice of Bids and Award. As soon as a contract has been awarded the local agency shall furnish to the Director a summary of bids received, and evidence of the award, in such form and detail as the Director may require.*†

1679. Filing Contract. Upon execution of any contract involving an expenditure under the act, a true copy thereof shall be filed with the Director.*†

1680. Contract Price Over Estimate. If the contract price or other construction costs exceed the estimate submitted with an application for which an allotment has been made, a revised application must be submitted as elsewhere provided in these rules if an additional allotment is requested from the State. (See Rule 1674.)*†

Article 7. Construction

1681. Notice of Start of Construction. The local agency shall give the Director written notice of the date construction is to be started.*†

1682. Supervision and Inspection. The construction of any project under the act shall be supervised and inspected. Such supervision and inspection shall be under the responsible charge of a duly licensed architect or engineer or under the responsible charge of a public official whose usual duties embrace such responsibility.*†

1683. Inspection by State. The Director may make, or cause to be made, such inspections as he deems necessary. Such inspection will not imply any responsibility on the part of the State for the adequacy or suitability of the work or materials.*†

1684. Progress Reports. Reports on the progress of the construction of each project shall be submitted to the Director at such time intervals, and in such form as he may prescribe.*†

1685. Inspection Reports. Local agencies shall keep accurate construction and inspection records of the work which shall be retained as a part of the public records of the local agency. When requested the local agency shall prepare and deliver to the Director any reports containing detailed statements of fact regarding materials or operations.*†

1686. Extra Work and Change Orders. Work shall be done strictly in accordance with plans and specifications which have been filed with the Director. Any changes in or additions to the plans and specifications or any extra work not originally included in the application shall be reported to the Director.*†

1687. Tests. Sufficient tests shall be made, in conformity with the best standards of the professions involved, to insure that the quality of all materials complies with the specifications. All results of tests whether made by the local agencies, commercial laboratories, or State agencies shall become a part of the project inspection records. The

*† For statutory and source citations, see note to §1650.

Director may sample and test, or cause to be sampled and tested, any materials to be used or already incorporated in any project being constructed under the act.*†

1688. Temporary Suspensions. In the event that a temporary suspension of the construction occurs, notice thereof shall be sent immediately to the Director along with complete explanatory information. The Director shall also be notified immediately of the resumption of construction operations.*†

1689. Time Limit Extensions. Should the local agency extend the period of time for completion of the construction, the Director shall be given immediate written notice thereof.*†

1690. Notification of Completion. The local agency shall advise the Director of the completion of construction within 10 days thereafter.*†

1691. Notification of Acceptance. The local agency shall, within 10 days following the acceptance of the completed work, notify the Director thereof.*†

1692. Final Report. A final report upon the construction of a project in a form prescribed by the Director shall be filed by the local agency with the Director as soon as possible after the acceptance of the completed work. The final report shall be certified to by the architect, engineer, or official in charge of the work, having responsible charge of the supervision and inspection.*†

Article 8. Acquisition of Rights of Way
(Applies only to County Roads)

1693. Requests for State Aid. When a request for State financial aid in the acquisition of rights of way for county roads is included on the application for allotment for the State's share of construction of a project, the following information must be attached to the application:

(a) A map showing the proposed right of way and a plat with each separate parcel to be acquired delineated thereon.

(b) A complete description of each parcel of property including legal description, dimensions, type, size, improvements thereon and general character of neighborhood, unless this information is clearly delineated on a map.

(c) The assessed value of each parcel of property.

(d) Two independent appraisals by qualified appraisers (such as a member of the American Institute of Real Estate Appraisers, a local real estate board or member thereof, a member of a real estate or appraisal division of a local agency, a responsible bank official) of each parcel of property with which shall be submitted a statement of each appraiser's qualifications and experience, and a summary of the information upon which the appraisals are based, such as (1) recent sales; (2) listings; (3) rental values.*†

*† For statutory and source citations, see note to §1650.

1694. Costs. The cost or estimated cost of the acquisition of a right of way may include the purchase price of the property and other costs directly related thereto, less estimated amounts to be recovered from sale of excess land or improvements and any rental collections received or anticipated, but shall not include pages, salaries and expenses of administrative or supervisorial officers and employees normally and regularly employed by local agency.*†

1695. Title Requirements. Payment of the State's share of the cost of securing a right of way will be subject to the securing by local agency of title to such right of way which will be satisfactory to the Director. Generally, the title secured or to be secured must be free and clear of all liens, encumbrances and defects of title, such as mortgages, deeds of trust and easements which may interfere with the intended use of the property. Whether taxes or assessments shall be paid prior to acquisition of a right of way shall be determined by the local agency involved.*†

1696. Evidence of Title. A statement showing that title to right of way is vested with the local agency must be filed with the Director at the time reimbursement is claimed. Such a statement must contain:

(a) An itemized statement properly certified on behalf of the local agency of the cost of acquisition, listing the purchase price of the acquisition and other costs directly related thereto and which are allowable under these rules.

(b) A written statement by a reputable title company, signed by a responsible officer, or by the title officer of the local agency, that the acquisition has been completed and that title to the right of way has vested in local agency free and clear of all liens, encumbrances and defects of title, subject to such exceptions, if any, as shall be completely described. In lieu of such written statement, a certified copy of the policy of title insurance issued in connection with the acquisition may be furnished.*†

1697. Requests for Payment. Local agency may claim reimbursement of the State's share of the cost of acquiring one or more parcels of right of way as they are acquired.*†

Article 9. Payment of State's Share

1698. Procedure. Payment of the State's share will be made only on a reimbursement basis until 75 per cent of the cost of the project has been expended. The State's share of the remaining 25 per cent will be advanced to the local agency after the local agency has expended its total share of the cost of the project and after audit by the Department of claims showing total amounts due and payable.

In no case will the State make advance payment in an amount that would cause the State's final share to exceed the allotment, or to be more than 50 per cent of the total cost of the project if the entire allotment is made up of funds that must be matched.*†

*† For statutory and source citations, see note to §1650.

1699. Expenses Prior to Date of Allotment. No reimbursement will be made to a local agency for any expenses incurred for a project before the date of the Board's resolution of allotment of funds for said project, except that this shall not prevent reimbursement to a local agency for materials furnished by it for the project, even though such materials were purchased prior to the allotment.*†

1700. Claims. Local agencies shall submit requests for reimbursement or payment of the State's share on claim forms to be provided by the Director and to be accompanied by such information as required by the Director.*†

1701. Inspection of Records. In connection with any project, the Director and the Controller shall have the right to fully inspect all construction, materials, operations, and cost records of the local agency, and make such audits as deemed necessary, in order to determine the validity of claims made by the local agency for payments of the State's share of the cost.*† [§§1650 to 1701, inclusive, filed 5-27-46]

*† For statutory and source citations, see note to §1650.

CHAPTER 8. BUREAU OF WEIGHTS AND MEASURES, DEPARTMENT OF AGRICULTURE

SUBCHAPTER 1. PETROLEUM SALES (No Rules Filed)
SUBCHAPTER 2. STANDARDS OF WEIGHTS AND MEASURES
SUBCHAPTER 3. TERMINAL WEIGHING FEES
SUBCHAPTER 4. TOLERANCES AND SPECIFICATIONS FOR COMMERCIAL WEIGHING AND MEASURING DEVICES

Printed March 22, 1945

SUBCHAPTER 2. STANDARDS OF WEIGHTS AND MEASURES

Article
1. Standards of Weights and Measures
2. Tare Weights
3. Tolerances
4. Weighmaster, Public

Article 1. Standards of Weights and Measures

2875. Berries in Containers. Net weight.

(a) Blackberries—
12 ounces minimum contents (pint 33.6 cubic inches).
Tolerance 2 ounces in excess.
8 ounces minimum contents (one-half pint 16.8 cubic inches).
Tolerance 1 ounce in excess.

(b) Boysenberries—
12 ounces minimum contents (pint 33.6 cubic inches).
Tolerance 2 ounces in excess.
8 ounces minimum contents (one-half pint 16.8 cubic inches).
Tolerance 1 ounce in excess.

(c) Loganberries—
12 ounces minimum contents (pint 33.6 cubic inches).
Tolerance 2 ounces in excess.
8 ounces minimum contents (one-half pint 16.8 cubic inches).
Tolerance 1 ounce in excess.

(d) Raspberries—
8 ounces minimum contents (one-half pint 16.8 cubic inches).
Tolerance 1 ounce in excess.

(e) Strawberries—
12 ounces minimum contents (pint 33.6 cubic inches).
Tolerance 2 ounces in excess.

(f) Youngberries—
12 ounces minimum contents (pint 33.6 cubic inches).
Tolerance 2 ounces in excess.
8 ounces minimum contents (one-half pint 16.8 cubic inches).
Tolerance 1 ounce in excess.

(g) Berry boxes shall not have a false bottom or be so constructed as to facilitate deception or fraud.

NOTE.—§§2875 to 3386, inclusive, issued under the authority contained in Sections 12012, 12027, 12100, 12104, 12107, and 12107.5, of the Business and Professions Code. The source of §§2875 to 3386, inclusive, is the Rules and Regulations (including Commodity Net Weight and Measure Standards and Tolerances and Specifications) of the Director of Agriculture.

2876. Butter in Containers. The standard net weight of butter (when sold, offered or exposed for sale) in paper wrappings, paper containers or cartons is hereby fixed to be one-quarter pound, one-half pound, one pound, or two pounds, net standard avoirdupois weight.

The inspection of the weight of butter shall be made on the premises of the person holding a permit as a "cutter" or as a wrapper," or as a butter "distributor," as defined in Section 529, Article 5, Butter, Chapter 2, Division 4, Agriculture Code of the State of California, or on the premises of the retail store from which the butter is sold, offered or exposed for sale.

There shall be no tolerance for deficiency in weight.*† Filed 2-25-47)

2877. Repealed. (Effective 9-1-45)

2878. Mill Products:

(a) Standards of net weight. The following standards of net weight are hereby fixed and established as the standards of net weight for the mill products herein mentioned when these commodities are packaged in sacks or in other containers:

(1)	Rolled oats, Oat meal (Pure or Blended)	One bbl. shall contain	180 lbs. net weight
		½ bbl. shall contain	90 lbs. net weight
		¼ bbl. shall contain	45 lbs. net weight
		⅛ bbl. shall contain	22½ lbs. net weight
		1/20 bbl. shall contain	9 lbs. net weight
		1/40 bbl. shall contain	4½ lbs. net weight
(2)	Pancake flour	One bbl. shall contain	196 lbs. net weight
		½ bbl. shall contain	98 lbs. net weight
		¼ bbl. shall contain	49 lbs. net weight
		⅛ bbl. shall contain	24½ lbs. net weight
		1/20 bbl. shall contain	9.8 lbs. net weight
		1/40 bbl. shall contain	4 lbs. net weight
(3)	Rye flour, Rye meal	One bbl. shall contain	196 lbs. net weight
		½ bbl. shall contain	98 lbs. net weight
		¼ bbl. shall contain	49 lbs. net weight
		⅛ bbl. shall contain	24½ lbs. net weight
		1/20 bbl. shall contain	9.8 lbs. net weight
		1/49 bbl. shall contain	4.9 lbs. net weight
(4)	Buckwheat flour	One bbl. shall contain	200 lbs. net weight
		½ bbl. shall contain	100 lbs. net weight
		¼ bbl. shall contain	50 lbs. net weight
		⅛ bbl. shall contain	25 lbs. net weight
		1/20 bbl. shall contain	10 lbs. net weight
		1/40 bbl. shall contain	5 lbs. net weight

*† For statutory and source citations, see note to §2875.

1702. Claims. (a) Local agencies shall submit requests for reimbursement for advance payment of the State's share on claim forms to be provided by the Director and accompanied by such information as may be required by him and by these rules.

(b) Payment of final claims for the State's share may be withheld pending the filing of reports with the Director as required under Rules 1690, 1691 and 1692.

History: 1. Originally published as 1700, 7-15-46 (Register 4).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

1703. Inspection of Records. In connection with any project, the Director and the Controller shall have the right to fully inspect all construction, materials, operations, and cost records of the local agency, and make such audits as deemed necessary, in order to determine the validity of claims made by the local agency for payments of the State's share of the cost.

Subgroup 3. State School Building Aid

Article Article

(Regulations now being written)

Article 8. Acquisition of Rights of Way
(Applies only to County Roads)

1693. Requests for State Aid. When a request for State financial aid in the acquisition of rights of way for county roads is included on the application for allotment for the State's share of construction of a project, the following information must be attached to the application:

(a) A map showing the proposed right of way and a plat with each separate parcel to be acquired delineated thereon.

(b) A complete description of each parcel of property including legal description, dimensions, type, size, improvements thereon and general character of neighborhood, unless this information is clearly delineated on a map.

(c) The assessed value of each parcel of property.

(d) Two independent appraisals by qualified appraisers (such as a member of the American Institute of Real Estate Appraisers, a local real estate board or member thereof, a member of a real estate or appraisal division of a local agency, a responsible bank official) of each parcel of property with which shall be submitted a statement of each appraiser's qualifications and experience, and a summary of the information upon which the appraisals are based, such as (1) recent sales; (2) listings; (3) rental values.

1694. Costs. The cost or estimated cost of the acquisition of a right of way may include the purchase price of the property and other costs directly related thereto, less estimated amounts to be recovered from sale of excess land or improvements and any rental collections received or anticipated, but shall not include pages, salaries and expenses of administrative or supervisorial officers and employees normally and regularly employed by local agency.

1695. Title Requirements. Payment of the State's share of the cost of securing a right of way will be subject to the securing by local agency of title to such right of way which will be satisfactory to the Director. Generally, the title secured or to be secured must be free and clear of all liens, encumbrances and defects of title, such as mortgages, deeds of trust and easements which may interfere with the intended use of the property. Whether taxes or assessments shall be paid prior to acquisition of a right of way shall be determined by the local agency involved.

1696. Evidence of Title. A statement showing that title to right of way is vested with the local agency must be filed with the Director at the time reimbursement is claimed. Such a statement must contain:

(a) An itemized statement properly certified on behalf of the local agency of the cost of acquisition, listing the purchase price of the acquisition and other costs directly related thereto and which are allowable under these rules.

(b) A written statement by a reputable title company, signed by a responsible officer, or by the title officer of the local agency, that the

acquisition has been completed and that title to the right of way has vested in local agency free and clear of all liens, encumbrances and defects of title, subject to such exceptions, if any, as shall be completely described. In lieu of such written statement, a certified copy of the policy of title insurance issued in connection with the acquisition may be furnished.

1697. Requests for Payment. Local agency may claim reimbursement of the State's share of the cost of acquiring one or more parcels of right of way as they are acquired.

Article 9. Payment of State's Share

1698. Procedure. Payment of the State's share of the cost of a project for which an allotment has been granted will be made on a reimbursement basis except as provided in Rule 1699. If requested by the local agency, after the project is 75% complete and the local agency has expended its total share of the cost, the State's share of the remaining 25% may be paid as an advance. Advance payments under this rule shall be made by the State only in connection with bills due and payable submitted to and audited by the Department.

History: 1. Originally published 7-15-46 (Register 4).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

1699. Advance Payments. The Director may, upon request of the local agency, make advance payments of not to exceed 50% of the State's share of the estimated cost of construction of a project for which an allotment has been made. Requests for advance payment shall be made on forms furnished by the Director and shall be accompanied by a resolution of the local agency setting forth the reasons why such advance is necessary. Claims for advance payment must show the period within which and the items for which it is proposed to expend the moneys advanced. The remainder of the State's share of the cost will be paid in accordance with the procedures set forth in Rule 1698, except that claims for advance payment of the State's share of the last 25% of the cost, or final claims, shall include vouchers, check, or warrant numbers, or other evidence satisfactory to the Director, to account for expenditures of all money previously advanced.

History: 1. Originally published 7-15-46 (Register 4).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

1700. No advance payment under Rule 1699 will be made until the local agency notifies the Director that a contract has been awarded or that construction has started.

History: 1. Originally published 7-15-46 (Register 4).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

1701. In no case will the State make advance payment in an amount that would cause the State's final share to exceed the allotment, or to be more than 50% of the total cost of the project if the entire allotment is made up of funds that must be matched.

History: 1. Originally published 7-15-46 (Register 4).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

The classification of California Highway Patrol has been changed from Title 19, Public Safety, to Title 13, Motor Vehicles, and those pages may be removed.

Printed August 13, 1945

SUBCHAPTER 2. CANVAS TENT AND STRUCTURES OF SIMILAR FLAMMABLE MATERIAL

Article
1. Purpose and Scope
2. Definitions
3. General
4. Inspection Authority
5. Location of Tents
6. Structural Stability
7. Flame-Retardant Treatment
8. Testing fire-retardant qualities
9. Fire Protection
10. Exits
11. Capacity Limits and Seating Arrangements
12. Heating Equipment
13. Storage Flammable Liquids
14. Housekeeping

Article 1. Purpose and Scope

451. Purpose and Scope. In order to safeguard life and property from fire or panic, the use of tents used for, or in connection with, a place of assemblage in the State of California shall be subject to the requirements of these rules and regulations.

NOTE—§§ 451 to 513, inclusive, issued under authority contained in Section 13116, Health and Safety Code.

Article 2. Definitions

455. Place of Assemblage. For the purpose of these rules and regulations, a place of assemblage shall include any circus, side show, carnival, tent show, theater, skating rink, dance hall, or any other exhibition, production, engagement, or offering, or other place of assemblage in or under which 10 or more persons may gather for any lawful purpose. (Effective 9-15-45)

456. Tent. A tent is defined as any structure or enclosure constructed of canvas or other combustible fabric, or of any other material that is more conductive to the rapid spread of fire than one inch nominal thickness Oregon pine wood.

Article 3. General

460. Violation to Establish, Maintain or Operate. No person, copartnership, firm, or corporation shall establish, maintain, or operate a place of public assemblage in any tent or other fabric enclosure unless the erection, treatment, location, maintenance, operation and all other requirements of these rules and regulations are complied with.

461. Local Ordinances. Nothing contained in these rules and regulations shall be considered as abrogating the provisions of any ordinance, rules, or regulations of any city, city and county, or county governmental agency.

462. Parking of Automobiles. Automotive equipment that is necessary to the operation of the establishment shall not be parked less than twenty feet (20′) from any tent. No other automobile shall be parked less than one hundred feet (100′) from a tent except upon a public street.

Article 4. Inspection Authority

466. Inspection Authority. For the purpose of these rules and regulations, the inspection authority shall be the State Fire Marshal, any salaried field assistant employed by the State Fire Marshal, or any active chief of a fire department or any city fire marshal who has been legally appointed as a Deputy State Fire Marshal.

Article 5. Location of Tents

470. Location of Tents. (a) Tents shall be located not less than ten (10′) feet from any property line or permanent structure except where the property line is a street or alley.

(b) Tents having a floor area in excess of 1,500 square feet, but less than 15,000 square feet shall be located not less than thirty (30′) feet from any other tent or structure.

(c) Tents having an area in excess of 15,000 square feet shall be located not less than fifty (50′) feet from any other tent or structure.

(d) Tents may be joined together by means of corridors, but such corridors shall be open to the sky. On each side of such corridor and directly opposite each other, there shall be provided openings equivalent to the width of the corridor. These openings shall be equipped with sliding curtains or left entirely open and clear of any obstruction.

(e) An unobstructed passageway not less than six feet (6′) in width and free from guy ropes or other obstructions shall be maintained on all sides of all tents having an area of more than 1,500 square feet, but less than 15,000 square feet. If the area of the tent exceeds 15,000 square feet, or if the seating capacity exceeds 1,000 persons, the unobstructed areaway shall be not less than ten (10′) feet in clear width.

(f) The distance between tents, or tents and other structures, shall be measured from side-wall to side-wall.

Exception: Where conditions make it impossible to provide the required distance between tents as specified in subparagraphs (b) and (c) the inspection authority may approve the locating of tents closer than that specified if required passageways are provided, and in his opinion adequate safety will be afforded. (Filed 4-1-46; effective 4-1-46)

Article 6. Structural Stability

474. Structural Stability. Tents and their appurtenances shall be adequately roped, braced and anchored to withstand the elements of weather against collapsing.

Article 7. Flame-Retardant Treatment

478. Flame-Retardant Treatment. The side walls, drops and top of all tents used for, or in connection with, any place of assemblage shall be treated with a fire-retardant solution that will (to the satisfaction of the inspection authority) withstand the fire test hereinafter provided or some other equally rigid fire-resistive test. All bunting and

other flammable decorations or effects and sawdust when used on floors or passageways shall likewise be treated with a flame-retardant solution.

An affidavit or affirmation shall be retained at the premises on which the tent is located, attesting to the following information relative to the flame-retardant treatment of the fabrics:

(a) Date fabric was last treated with flame-retardant solution.

(b) Trade name or kind of chemical used in treatment.

(c) The name of person or firm treating the material.

(d) The name and address of the owners of the tents.

The affidavit or affirmation shall be shown to the inspection authority upon request.*†

Article 8. Testing Fire-Retardant Qualities

482. Testing Fire-Retardant Qualities. (a) **Specimens.** The specimens for making fire-retardant tests may be taken by the inspection authority from any part of the tent and in whatever size and number he deems necessary, and the management shall permit the State Fire Marshal or his duly authorized representatives to take such specimens for testing purposes.

(b) **Size of Specimen.** The specimens shall not exceed two inches (2″) by six inches (6″). Half of the samples shall be taken in the direction of the warp and half in the direction of the filling.

(c) **Fire Test.** The specimen shall be suspended vertically from a frame by a clamp. During the test, the specimen shall be protected against any draft by an enclosure. (The enclosure should be 12 inches wide, 12 inches deep, and 30 inches high, open at the top and provided with a glass port through which tests may be viewed.) The specimen shall be suspended with its lower end three-fourths inch (¾″) above the top of a Bunsen burner adjusted to give a luminous flame one and one-half inches (1½″) long. The flame is applied vertically near the middle of the width of the lower end of the specimen for 12 seconds, then withdrawn.

(d) **Resistance to Fire.** When tested by the method indicated above, the specimen shall not continue to flame for more than two seconds when burner is withdrawn. The maximum length of char shall not exceed four and one-half inches (4½″).

Exception: Tent tops (not including the side walls thereof) of tents constructed prior to September 16, 1945, shall not be subject to the provisions of paragraph (d) of this section pertaining to the minimum length of char. Chemicals used in connection with this special exemption shall be of a type approved by the State Fire Marshal and a special registration report, together with treated and untreated samples of the fabric, shall be filed with the State Fire Marshal on each separate tent top so treated. Each tent top treated by a process that takes advantage of this exemption shall be clearly marked by the applicator by stenciling on the canvas, and each separate section thereof, the words, "SUB-STANDARD EMERGENCY FLAME RETARDANT TREATMENT BY _____."*†
Name

(Filed 4-16-46; effective 4-16-46)

*† For statutory and source citations, see note to §451.

Article 9. Fire Protection

486. Smoking and Use of Devices Emitting Flame or Fire. (a) Smoking shall not be permitted in any assemblage tent, nor in any adjacent areas where hay or other highly flammable materials are kept or stored. **"NO SMOKING"** signs shall be conspicuously posted in all tents open to the public.

(b) No fireworks, open flame or any device emitting flame or fire shall be used in or immediately adjacent to any tent while open to the public, except upon special permission from the inspection authority.

(c) Toy balloons or other similar devices that are inflated with poisonous, explosive, or flammable gas shall not be permitted in or on the premises adjacent to any tent.*†

487. Fire Extinguishers and Other Fire Protection Equipment Shall Be Provided in Every Public Assemblage Tent on the Following Basis: (a) One 2½ gallon fire extinguisher or pump tank shall be provided in every assemblage tent having a floor area of more than five hundred square feet (500 sq. ft.) but less than one thousand square feet (1000 sq. ft.) and also one in each auxiliary tent adjacent thereto. One such additional extinguisher shall be provided for each additional two thousand square feet (2000 sq. ft.) or fraction thereof.

(b) One 1-quart carbon tetrachloride or one two-pound carbon dioxide fire extinguisher shall be provided with each power generator or transformer.

(c) Foam or carbon dioxide type fire extinguishers shall be provided in kitchen, mess halls, and at locations where flammable liquids are used, stored, or dispensed.

(d) Assemblage tents having a capacity of 1,000 or more persons shall be protected on each of the long sides with fire hose lines of not less than one and one-half inch (1½″) internal diameter and of sufficient length to reach either end of the tent. The water supply shall be either from the public water mains or from tanks having a capacity of not less than 500 gallons. There shall be not less than 60 pounds of flowing pressure at the nozzle of the hose line when a one-half inch (½″) tip is used.

Exception: The inspection authority may modify or waive any of the above requirements and may accept other types of fire extinguishing equipment in lieu of that required by these regulations if in his opinion reasonable and adequate protection will be afforded.*†

488. Auxiliary Firemen. The owners or operators of any assemblage tent shall provide a qualified fireman in every such tent having a capacity of 500 persons and one additional fireman for each 1,000 additional persons. The firemen shall be on duty in the tent at all times when the tent is open to the public. He shall be proficient in the handling of fire extinguishers and equipment and shall be familiar with the fire and panic safety regulations contained herein.

Exception: The inspection authority may waive or modify this requirement if in his opinion such guards are not necessary in the interest of the public safety and welfare.*†

*† For statutory and source citations, see note to §451.

TITLE 19. Public Safety

CHAPTER 1. STATE FIRE MARSHAL
CHAPTER 2. REGISTRATION OF SUBVERSIVE ORGANIZATIONS—SECRETARY OF STATE

Printed August 13, 1945

CHAPTER 1. STATE FIRE MARSHAL

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SUBCHAPTER 1. BUILDING CONSTRUCTION

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Article 1. Definitions

1. For the purpose of these rules and regulations, certain terms, phrases, words and their derivatives shall be construed as set out in this section. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine. Wherever a section or article is referred to in these rules and regulations by number it shall be understood to refer to a section or article of these rules and regulations.

(a) (1) **Alley.** Any public space, public park or thoroughfare less than sixteen feet (16′) but not less than ten feet (10′) in width which has been dedicated or deeded to the public for public use.

(2) **Alteration.** Alter or alteration means any change, addition or modification in construction or occupancy.

(3) **Apartment** is a room or suite of rooms which is occupied or which is intended or designed to be occupied by one family for living and sleeping purposes.

(4) **Apartment house** is any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

(5) **Approved** as to materials and types of construction, refers to approval by the Building Inspector as the result of investigation and tests conducted by him, or by reason of accepted principles or tests by national authorities, technical or scientific organizations.

(6) **Area** (see "Floor Area").

(7) **Attic story** is any story situated wholly or partly in the roof, so designated, arranged or built as to be used for business, storage or habitation.

(b) (1) **Balcony** is that portion of the seating space of an assembly room, the lowest part of which is raised four feet (4′) or more above the level of the main floor.

(2) **Basement** is that portion of a building between floor and ceiling, which is partly below and partly above grade (as defined in this subsection), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. (See "Story").

(3) **Bay window** is a rectangular, curved or polygonal window, supported on a foundation extending beyond the main wall of the building.

(4) **Building** is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

(5) **Building—Existing Building** is a building erected prior to the adoption of these rules, or one for which a legal building permit has been issued.

(6) **Building inspector** shall mean the Chief Building Inspector or any regularly authorized deputy.

(c) (1) **Cast stone** is a building stone manufactured from cement concrete precast and used as a trim, veneer or facing on or in buildings or structures.

(2) **Cellar** is that portion of a building between floor and ceiling which is wholly or partly below grade (as defined in this subsection) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (See "Story").

(3) **Chief of the Fire Department** shall mean the head of the Fire Department or any regularly authorized deputy.

(4) **Code—Uniform Building Code** adopted by the Pacific Coast Building Officials Conference, October 1927, as Amended, 1940 Edition.

Any salmon to be shipped into Del Norte or Humboldt Counties from any other point in California must be tagged prior to shipment. The expense of such tagging must be paid by the person requiring the service.

(Section 667, Fish and Game Code)

[General Order No. 3 as amended February 16, 1942]

5. Changes in Fishing Laws.

(a) **Salmon.** Salmon may not be taken with a spear in any part of the State of California. This order modifies the provisions of Sections 654 and 656 of the Fish and Game Code of the State of California which are inconsistent herewith. (Filed 2-7-46; effective 2-15-46)

(b) **Salmon.** Salmon may be taken only by angling in the Mokelumne River, from the Lockford vehicle bridge to its mouth, from April 1 to December 31. (This order modifies the provisions of Section 653 of the Fish and Game Code which are inconsistent herewith.) (Filed 2-18-47; effective 3-1-47)

(c) **Trout and Rocky Mountain Whitefish.** In all fish and game districts, unless otherwise provided in the Fish and Game Code of California, not more than 15 trout, or 15 Rocky Mountain whitefish, or 15 trout and Rocky Mountain whitefish in the aggregate, nor more than 10 pounds of trout, nor more than 10 pounds of Rocky Mountain whitefish, nor more than 10 pounds of trout and Rocky Mountain whitefish in the aggregate, and one trout, or one Rocky Mountain whitefish, may be taken or possessed in any day. This order modifies the provisions of Sections 610 and 657 of said code which are inconsistent herewith. (Filed 2-7-46; effective 2-15-46)

(d) **Trout.** All species of trout may be taken only by angling in the counties of Tuolumne, Calaveras, Mariposa, Alpine, Amador, El Dorado, Nevada, Placer, Fresno, Madera, Kern, and Tulare from May 30 to October 15, provided King Salmon may be taken only by angling in said counties May 1 to October 31 and as otherwise specified in Sections 654, 655 and 656 of the Fish and Game Code. (This order modifies the provisions of Secs. 610, 611, 611.5, 618 and 653 and all other sections of the Fish and Game Code which are inconsistent herewith.) All species of trout may be taken only by angling in Fish and Game District 4¾ from April 5 to September 28. (Filed 2-18-47; effective 3-1-47)

(e) **Salmon or Trout** (Navarro River). Salmon or trout may be taken only by angling in the Navarro River and its tributaries from October 1, to the last day of February with a daily bag and possession limit of 3 trout or 3 salmon or 3 trout and salmon in the aggregate. (This order modifies the provisions of Sections 610, 612, 615, 653, and 658 of the Fish and Game Code which are inconsistent herewith.) Filed 2-18-47; effective 3-1-47)

(f) **Chumming.** Chumming in inland waters of the State of California is prohibited. This order modifies the provisions of Section 493.5 of said code which are inconsistent herewith. (Filed 2-7-46; effective 2-15-46)

(g) **Black Bass.** Black bass may be taken only by angling between May 29 and December 31, both dates inclusive, in the South Lake

of Lake Merced, situate in the City and County of San Francisco, State of California. This order modifies the provisions of Section 698 of said code which are inconsistent herewith. (Filed 2-7-46; effective 2-15-46)

(h) **Black Bass, Sacramento Perch, Sunfish.** Black bass, Sacramento perch and sunfish may be taken only by angling between May 1 and October 31, both dates inclusive, in all of the waters of Lake Britton, situate in the County of Shasta, State of California. This order modifies the provisions of Sections 698, 705 and 711 of said code, which are inconsistent herewith. (Filed 2-7-46; effective 2-15-46)

(i) **California Whiting.** California Whiting (also known as corbina and surf fish) of any size may be taken. (This order repeals the order of the Fish and Game Commission of January 28 and 29, 1946, relating to California Whiting. (Section 5(f), Article 1, Subchapter 1, Title 14, California Administrative Code.) (Filed 2-18-47; effective 3-1-47)

(j) **Grunion.** Grunion (Leuresthes tenuis) may be taken between June 1 and March 31. (This order modifies the provisions of Section 740 of the Fish and Game Code which are inconsistent herewith.) Filed 2-18-47; effective 3-1-47)

(k) **Fishes.** All species of fishes may be taken only by angling from April 5 to September 28 in the fresh waters of San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Riverside, and Orange Counties except the Santa Ynez River and its tributaries below Gibraltar Dam, the Ventura River and its tributaries, the Santa Clara River and its tributaries below the highway bridge at Fillmore, Lake Gregory, Lake Arrowhead, Big Bear Lake, and Crystal Lake, and except in those portions of the above counties which are in Fish and Game District 22. (This order modifies the provisions of Chapter 2, Part 2, Division 4 of the Fish and Game Code which are inconsistent herewith.) (Filed 2-18-47; effective 3-1-47)

(*l*) **Frogs.** Frogs may be taken between July 1 and November 29 only in that portion of California south of the summit of the Tehachapi mountain range, except Fish and Game District 22. (This order modifies the provisions of Section 1352.5 of said Fish and Game Code which are inconsistent herewith.) Filed 2-18-47; effective 3-1-47)

(Section 14 to 19.6, Fish and Game Code)

[Regulations, Fish and Game Commission]

10. Fish and Amphibian Regulations for District 22.

Bass

May be taken all year by angling only. Daily limit 10, provided this total weight with heads and tails on is not more than 15 pounds and one fish per day or in possession. Minimum legal length, 10 inches.

Channel Catfish

May be taken all year by angling only. Daily limit 10, provided total weight with heads and tails on is not more than 15 pounds and one fish per day and in possession. Minimum legal limit, 10 inches. No sale of catfish taken in District 22.

(Register 11, No. 7—2-28-48)

State of California

California Administrative Register 11, No. 7

(February 28, 1948)

Amendments and Additions to Rules and Regulations of

Title 14. Fish and Game
Title 16. Board of Dry Cleaners
Title 16. Board of Pharmacy
Title 22. Social Security

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TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS

CHAPTER 1. STATE BOARD OF ACCOUNTANCY
CHAPTER 2. CALIFORNIA STATE BOARD OF ARCHITECTURAL EXAMINERS
CHAPTER 3. STATE BOARD OF BARBER EXAMINERS
CHAPTER 4. STATE BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 5. STATE BOARD OF REGISTRATION FOR CIVIL ENGINEERS
CHAPTER 6. STATE BOARD OF CLEANERS
CHAPTER 7. COLLECTION AGENCIES—SECRETARY OF STATE
CHAPTER 8. CONTRACTORS' STATE LICENSE BOARD
CHAPTER 9. STATE BOARD OF COSMETOLOGY
CHAPTER 10. BOARD OF DENTAL EXAMINERS
CHAPTER 11. PRIVATE DETECTIVES
CHAPTER 12. STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS
CHAPTER 13. BOARD OF MEDICAL EXAMINERS
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Cross References.—For Bureau of Furniture and Bedding Inspection, see Title 4. Business Regulations

CHAPTER 1. STATE BOARD OF ACCOUNTANCY

Printed December 5, 1946

Article
1. Office
2. Examination of Candidates for C.P.A. certificates
3. Reciprocity
4. Partnership
5. Registration
6. Renewal
7. Meetings
8. Appeals
9. Rules of Professional Conduct

Article 1. Office

1. Office. The principal office of the Board is situated at 620 Market Street, San Francisco 4; a branch office is situated at 315 South Broadway, Los Angeles 13.

NOTE.—§§ 1-44, inclusive, issued under authority contained in Section 5015, Business and Professions Code.

Article 2. Examinations

6. Examinations. Examinations for the certificate of Certified Public Accountant (hereinafter referred to as C.P.A. certificate) will be held simultaneously in San Francisco and Los Angeles in May and November of each year. Applications for the May examination must be filed not later than April 1 and applications for the November examination not later than October 1. An application will not be considered to be

filed until all required supporting documents have been received. Candidates will be informed of the time and place of the examinations when notified of the acceptance of their applications.

7. Applications must be filed at the principal office in San Francisco on a form provided by the Board (obtainable at either office of the Board or from any Board member), and must be accompanied by a certified check or postal, express or bank money order for the statutory fee, payable to California State Board of Accountancy.

8. Each applicant must submit the names of at least three persons (one of whom must be a resident of California) who can vouch for the applicant's moral character. No person will be granted a C.P.A. certificate until the Board is satisfied by such inquiries as it deems appropriate to make that such person is of good moral character.

9. Each applicant must present evidence satisfactory to the Board that he meets the requirements set forth in Section 5091 of the Business and Professions Code. Satisfactory evidence as to educational qualifications will usually take the form of transcripts, or photostats thereof, of the applicant's high school and/or college record which should accompany the application. However, in unusual circumstances the Board will accept such other evidence as it deems appropriate and reasonably conclusive.

10. Every candidate for the C.P.A. certificate who is not a citizen of the United States by birth must present evidence of citizenship or of his declaration of intention to become a citizen. He may do this by presenting to any employee or member of the Board his certificate of citizenship or declaration of intention along with his application to take the examination. If distance or other circumstance imposes upon the candidate an unreasonable hardship in making such presentation in person, the Board will accept an affidavit from the clerk of the superior court of any California county stating that he has inspected such papers and setting forth all relevant facts including the candidate's name, the number and date of the certificate of citizenship or declaration of intent, the designation of court or other official body by which such certificate was issued, and whether the certificate is final, derivative, etc.

11. Candidates without the experience in public accounting required by the Accountancy Law (Sections 5000 to 5132, inclusive, Business and Professions Code) will be permitted to take the examination, but no certificate will be issued to a successful candidate until he has obtained the required experience. When a successful candidate believes he has obtained such required experience, he may address a letter to the Board at its principal office in San Francisco setting forth the grounds upon which he relies, the dates (as precise as possible) of the employment in which he obtained his experience, and such other information as he believes will aid the Board in reaching a decision. Any member of the Board will confer with any person concerning the adequacy of his experience before such person communicates with the Board, but it must be

601. Licenses, Hunting and Fishing.

Every person to whom a sporting fishing or hunting license is issued shall wear such license on the outer garment above the waistline, so that it will be plainly visible and shall be worn at all times the license holder is fishing or hunting. (Filed 1-3-47; effective 1-3-47)

(Section 400, Fish and Game Code)

(Regulation of the Fish and Game Commission 12-19-46)

700. Importation of Wild Birds and Mammals, and Conditions Under Which Same May Be Kept in Confinement.

(a) Excluded and Restricted Species

(1) **Excluded Species.** The Fish and Game Commission hereby publishes a list of the wild birds and animals for which permits to import or transport alive into the State are or will be refused in all cases, except as herein noted:

European starling; crested starling; common mynah; Hawaiian rice bird; baya weaver; Madagascar weaver; opossums of the family Didelphidae; all wild rabbits and hares; all rats and mice, including hamsters (except as provided in paragraph (2) hereof for a laboratory-reared golden hamsters otherwise known as Syrian hamsters and of the species designation *Mesocricetus auratus*), Old World field mice, bank and field voles, the water rat, and the long-tailed field mouse; all moles and gophers; all bats; all Sciuridae (except as provided in paragraph (2) hereof for species of the genera *Sciurus, Eutamias* and *Tamias,* and of the family *Petauristidae*); weasel; stoat; mongoose of any kind; freshwater crayfishes of the genera *Cambarus* and *Astacus;* and slugs and land snails of the mulluscan class *Gastropoda.*

If any such wild birds or animals are imported, delivery thereof to the importer will be denied and immediate exportation or destruction required.

(2) **Restricted Species.** Permits to import or transport into the State any of the following species will be refused except to the agencies and for the purposes or uses herein set forth, and under such conditions as the Commission may impose:

Species of tree squirrels of the genus *Sciurus,* flying squirrels of the family *Petauristidae,* and species of chipmunks of the genera *Eutamias,* and *Tamias* by public zoological gardens for exhibition purposes;

Ferrets for direct use by scientific or public health research and diagnostic laboratories to meet immediate research or diagnostic needs or by commercial laboratories for the preparation of biologics; but not for any use requiring the establishment of breeding colonies.

Laboratory-reared golden hamsters (also known as Syrian hamsters and of the species designation *Mesocricetus auratus*)

for use by educational institutions, by research, diagnostic and biologics manufacturing laboratories, and by persons engaged in rearing and breeding such hamsters commercially to supply the users hereinabove mentioned. (Filed 10-19-46)

(Statutes of 1933, Chapter 76)

[Regulations of the Fish and Game Commission and the Department of Agriculture]

(Register 11, No. 6—2-14-48)

State of California

California Administrative Register 11, No. 6

(February 14, 1948)

Amendments and Additions to Rules and Regulations of

Title 14. Fish and Game

Title 16. Guide Dogs for the Blind

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101. Possession of Sliced Abalone During Closed Season.

Persons desiring to hold sliced abalone legally taken during the open season shall place same in a public cold storage warehouse; and a non-negotiable receipt shall be issued and delivered to the Fish and Game Commission. On opening of the season, the Fish and Game Commission shall release such sliced abalone to the person placing such sliced abalone in storage; and all storage charges are payable by the owner of such sliced abalone.

(Section 793, Fish and Game Code)

[Regulation of Fish and Game Commission, General Order No. 24, 1-22-44]

102. Abalone Packers Permit.

Pursuant to the provisions of Section 1061 of the Fish and Game Code it is hereby ordered:

That no abalones be received for processing except under an abalone processors permit.

The following are the regulations under which permits are to be granted.

1. No permittee shall receive, transport, sell or offer for sale any abalone out of the shell except which has been processed (sliced, pounded and packed) in a plant operating under a permit. The permittee shall clearly stamp on each processed package the number of his processors permit and shall not sell, or offer for sale, processed abalone which is not so marked.

2. A permit shall not be issued or delivered until all taxes due the State under the Fish and Game Code have been paid in full.

3. No permit shall be issued until the permittee shows satisfactory evidence that his processing plant has conformed to the requirements of the County Board of Health as provided by the State and County Public Health Codes.

4. Proper records of pounds and dozens of abalone received shall be kept.

5. No abalones shall be received for processing except from the holder of a valid permit to dive for abalones commercially.

6. A permit will be issued for each processing plant at the specified location shown on the permit and shall not be sold, transferred or otherwise assigned without the written approval of the Commissioners.

7. This permit shall be revoked upon violation of any provisions contained herein and shall not be renewable for a period of one year from date of revocation. (Filed October 23, 1946.)

(Sections 802, 1010, 1061, 1074, and 1077 of the Fish and Game Code)

[Regulation of the Fish and Game Commission, General Order No. 25, 9-16-46]

110. Clams and Abalones Imported From South of the International Boundary Between the United States and Mexico.

Persons bringing Pismo clams or abalones into the State from south of the International Boundary between the United States and Mexico at any time that such clams or abalones are legal to import under the provisions of Section 805 of the Fish and Game Code shall comply with the following regulations:

(a) Abalones and Pismo clams taken outside of this State must not be brought into, nor possessed within, any district during the closed season for abalone or Pismo clams in said district.

(b) The Commission shall require the following information on each importation of abalones and clams:

State of California
Department of Natural Resources
Division of Fish and Game

RECORD OF ENTRY OF PISMO CLAMS AND ABALONES INTO THE STATE OF CALIFORNIA
(Section 805, Fish and Game Code)

Dated _____

Name of Shipping Firm _____
Address _____
Name of Firm Shipped to _____
Address _____
Name of Person in Charge _____
Consumption Entry No. _____
Species Imported _____
In Amount of _____ Pounds _____
Condition: Live _____ Sharp Frozen _____ Dried _____ Sliced _____
Canned _____ Miscellaneous _____
Method of transportation _____
Remarks _____
Point of Entry _____

Signature _____
Certified before me this _____ Day of _____ 19____
Mexican Control No. (S.P. 12) _____ _____

Three copies made at point of entry, before a Justice of the Peace, Notary Public, or a Fish and Game Warden or representative or Federal Custom Immigration Agent at border. One copy to remain with the shipment while it is in transit, one copy left on file with the person before whom the Record is made, and one copy sent immediately to the nearest Fish and Game Commission office.

(c) Abalones imported from Mexico may not be delivered to any plant or any person operating under an abalone processor's permit as provided in General Order No. 25. (Sec. 102, Title 14, C. A. C.)

(d) Abalones imported from Mexico may be processed in this State for immediate consumption in California. Such abalones must be packaged in not more than 2½ lb. containers and plainly marked "Product of Mexico."

(e) Abalones from Mexico may be shipped through the State at any time when bonded to a foreign destination or without bond when evidence has been submitted as to their origin and consumption entry furnished that such abalones legally entered the State. Upon submission of this information permit will be issued for export by any office of the Division of Fish and Game.

(f) Pismo clams imported from south of the International boundary between the United States and Mexico to be used for any purpose in this State shall be packed in containers holding not more than 12 Pismo clams, such containers shall be marked "Product of Mexico."

The cost of such marking and certification shall be paid by the Importer.

(Section 805, Fish and Game Code)

(Regulation of Fish and Game Commission, General Order No. 16 Amended 9-26-47.) (Filed 10-9-47; effective 10-9-47)

121. Lobsters, Spiny.

(a) Persons desiring to possess and sell legally taken spiny lobsters during the closed season must declare and have said lobsters inspected by the Division of Fish and Game prior to the closing of the season. They shall be identified with a distinguishing mark by punching a symbol through the tail of each spiny lobster, or by such other tag or distinguishing mark as the Commission may designate. The marking or punching is to be done under the immediate supervision of a designated Warden of the Division of Fish and Game prior to the closing of the spiny lobster season.

(b) Persons desiring to mark spiny lobsters intended for sale during the closed season must anticipate the need for such service and request of the Division of Fish and Game that a distinguishing symbol be designed for their use and a punch with such symbol be provided at their expense prior to the actual date of marking.

(c) All marking hammers or punches are to remain in the possession of the Division of Fish and Game office at San Diego or Terminal Island when not actually being used to mark lobsters under their immediate supervision.

(d) As provided in Section 786 of the Fish and Game Code all expenses shall be paid by the owner or person requiring such service. Application for the inspection and marking of such spiny lobsters must be made at the Division of Fish and Game office either at Terminal Island or San Diego.

(Section 786, Fish and Game Code)
[General Order No. 4, as amended 11-24-37]

131. Oysters and Oyster Reserves.

The following described areas are natural oyster beds of native oysters and are hereby set aside as oyster reserves for the cultivation of oyster seed:

(a) All natural oyster beds of native oysters in the waters of Humboldt Bay and in the sloughs or inlets tributary thereto.

(b) Oysters, oyster seed and oyster shell may be taken from oyster reserves only by order of the Division of Fish and Game.

(c) Oysters and oyster shell taken in San Francisco Bay or Tomales Bay may be replanted or replaced only in San Francisco Bay or Tomales Bay.

(d) All oysters, oyster seed and oyster shell shall be inspected by the Division of Fish and Game before being placed or planted, except that oysters, oyster seed and oyster shell may be replanted or replaced in the bay from which taken without inspection.

(Sections 816, 817, 818 and 819, Fish and Game Code)
[General Order No. 14 as amended 9-17-43]

132. Imported Crab Meat. Fresh crab meat in metal or paper containers may be imported into the State regardless of season. Fresh crab meat in the shell or parts of the shell may not be imported during the closed seasons during which the taking of crabs are prohibited. All shipments of fresh crab meat must be accompanied by an invoice from the out-of-state seller.

(Section 790, Fish and Game Code. Filed 10-23-46.)
[Regulation of the Fish and Game Commission]

SUBCHAPTER 2. APPROVED SURETY BONDS FORMS

Printed November 15, 1945

Article 1. The Forms Approved

Section
25. Forms Approved
26. Department of Agriculture
27. Athletic Commission
29. Division of Building and Loan
31. Division of Corporations
32. State Board of Cosmetology
34. Detective License Bureau
36. State Department of Education
38. Department of Employment
40. State Board of Equalization (Alcoholic Beverages)
42. Department of Finance
44. Division of Fish and Game
46. Franchise Tax Commissioner
47. Board of State Harbor Commissioners for San Francisco Harbor
48. Department of Industrial Relations
50. Department of Insurance
51. Department of Motor Vehicles
54. Division of Oil and Gas
55. State Board of Pilot Commissioners
57. Department of Public Works
59. Railroad Commission
61. Division of Real Estate
63. Secretary of State
65. State Lands Commission
66. State Treasurer
68. District Bonds and Undertakings

25. The Forms Approved. The form of the surety bonds approved by the Attorney General and required by the respective statutes, Rules and Regulations shall be substantially as set forth in the following Regulations in this Article.

NOTE.—§§25 to 68, inclusive, issued under the authority contained in Section 11112, Government Code. The source of §§25 to 68, inclusive, is the Rules and Regulations of the Attorney General.

26. Department of Agriculture. (a) Commercial Feeding Stuffs Tonnage Tax Bond (Sections 1083, 1083.5, and 1083.6, Agricultural Code):

BOND

Know All Men by These Presents:

That we,_____
_____State of California,
Principal, and_____a corporation,
as Surety, are held and firmly bound unto the State of California or the Director of Agriculture of the State of California, in the sum of one thousand dollars ($1,000) current lawful money of the United States of America, to be paid to the State of California or the Director of Agriculture of the State of California, or his successors or assigns; for which payment well and truly to be made we bind ourselves, our successors or assigns, jointly and severally, firmly by these presents.

WHEREAS, The said Principal has agreed with said State of California and said Director of Agriculture of the State of California that if it is granted permission and authority to print, issue and sell stamps, tags or labels provided for by Sections 1083 and 1083.5 of the Agricultural Code of the State of California as enacted by Chapter 301 of the Statutes of 1935, as amended by Chapter 709, Statutes 1939, Chapter 728, Statutes 1941, that it will well, truly and faithfully observe, perform and keep each and all of the following conditions or covenants:

1. Print, issue or sell said stamps or tags or labels only after the material, form and insignia thereof have been approved by the Director of Agriculture of the State of California, it being understood, however, that the insignia may be overprinted so long as the same is plainly visible, and that the stamps, tags or labels do not have to be numbered.

2. Print insignia on such stamps, tags or labels only when the purchaser's order therefor is accompanied by his check or draft payable to "Cashier, Department of Agriculture," the amount of which shall be in full payment of the tonnage tax represented by such stamps, tags or labels.

3. Promptly transmit to the Department of Agriculture of the State of California such check or draft, together with an invoice showing the party to whom such

stamps, tags or labels have been issued, delivered or sold, the denomination as to the poundage and the number of such stamps, tags or labels so issued, delivered or sold.

4. Keep complete detailed records as may be required or specified by the said Director of Agriculture of such stamps, tags or labels available for inspection by any officer, employee or agent of the Department of Agriculture of the State of California.

WHEREAS, Said Director of Agriculture has granted said_____ _____ permission and authority to print, issue and sell such stamps, tags or labels upon the condition that it will and shall faithfully perform all of said conditions or covenants, which said permission or authority may be revoked or rescinded by said Director of Agriculture forthwith by mailing to the Principal herein due notice of said revocation or rescission at its last known address of record in the Department of Agriculture.

The condition of the above obligation is such that if the above bounden_____ _____ the Principal herein, its successors or assigns, do and shall well, truly and faithfully observe, perform and keep all and every covenant or condition specified and herein above set forth, which on the part and behalf of said Principal, its successors or assigns, is, are and ought to be observed, performed, fulfilled and kept according to the true intent and meaning thereof, then the above written obligation shall be void; otherwise to remain in full force and effect.

DATED AND SIGNED this_____day of_____19___.

Principal
By _____

Surety
By _____

(Notary's certificate of acknowledgment of execution must be attached hereto, covering signatures of all parties).

(b) **Commission Merchant's Bond** (Section 1265, Agricultural Code):

STATE OF CALIFORNIA
DEPARTMENT OF AGRICULTURE

Department No._____
Bonding Company No._____

COMMISSION MERCHANT'S BOND

Know All Men by These Presents:

That we,_____, having a principal place of business at_____, California (hereinafter called the Principal), as Principal, and_____, a corporation organized under the laws of_____and duly authorized to transact business in the State of California (hereinafter called the Surety), as Surety, are held and firmly bound to the State of California in favor of every producer-consignor of farm products grown within the State of California in the sum of five thousand dollars ($5,000), for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION of the above obligation is such, that whereas the above named Principal has applied to the Director of Agriculture of the State of California for a license entitling said Principal to conduct the business of Commission Merchant at the place or places named in the application for one year from_____19___, in accordance with the provisions of Division 6, Chapter 6, of the Agricultural Code of the State of California.

NOW, THEREFORE, If said Principal shall well and truly comply with the provisions of Division 6, Chapter 6, of said Agricultural Code, and shall faithfully and honestly handle farm products as such licensed Commission Merchant for said license

FORM 1
3/20/46

Article 2. Approval of Correspondence Schools for Education and Training of Veterans

1420. Approval of Correspondence Schools for Education and Training of Veterans. Correspondence schools for the education and training of veterans under Title II of Public Law 268, 78th Congress will be approved by the Department of Education when found to meet the following standards:

(a) School must be on a sound financial basis, such condition to be attested by responsible business firms, individuals, or credit associations. With application include a copy of the school's latest financial statement.

(b) Instructional services—An adequate staff of competent instructors shall give personal guidance and instructional service to students on each lesson or unit assignment. These instructors must have qualifications equivalent to the minimum standards of teachers in public adult day and evening schools, in the special fields in which they are at work.

(c) Text materials must adequately cover the field claimed, be accurate, be of current value, be well illustrated with descriptive cuts (whenever possible), be carefully organized, and presented in a pedagogical manner.)

(d) The school must submit established courses of study which indicate objectives, content, and methods of presentation for each course offered.

(e) With the formal application (Form 2) must be filed:

(1) One set of all current advertising copy, sales literature, form letters, sales talks, collection forms, student contracts, etc., used by the applicant.

(2) One complete set of all lesson papers, texts, assignments, etc., for each course offered.

(3) Samples of a dozen to fifteen criticized and graded student lesson papers.

(f) The content of all courses and the length of time required for their completion must be approximately equal to recognized practice for each subject or course offered.

(g) The school must submit evidence of reasonable opportunity for placement upon completion of the training program. Completion of specific courses must be acceptable evidence for admission to an advanced course or to employment at the level which could normally be attained in a like period of training time.

(h) Qualifications for enrollment as a student for any course or courses of training offered by the school must be in accordance with recognized practice.

(i) Names and addresses of all employees of the school must be included, together with a complete description of the training and experience of all administrative and instructional staff members.

(j) The school must have been operating successfully as such for a period of at least six months prior to its application for approval. Evidence must be submitted that students have completed the courses offered and have found the training to be of real value.

FORM 2
3/20/46

State of California
Department of Education
Division of Readjustment Education

APPLICATION FOR APPROVAL AS A CORRESPONDENCE SCHOOL FOR THE TRAINING OF VETERANS UNDER TITLE II, PUBLIC LAW 268, 79TH CONGRESS

Date_____

I. Name of school_____
Location_____ Telephone_____
Ownership of institution:
Proprietor or Partnership_____
(Name and address)

List of names and addresses of members of Board of Directors:

Name and title of administrative head_____
Date of founding_____Has the school been in continuous operation since that date?_____
What is the enrollment on this date?_____
Has the school been approved in any way by a recognized state, regional, or national board or agency?_____If so, give
Name and address_____

List degrees authorized to grant_____

For what courses, departments, or programs do you wish approval?

II. Include with this application copies of your catalog and any other brochures or leaflets. Also include samples of all of your advertising through press, radio, or direct mail contact. Materials offered after submission of this application must be mailed to the Division of Readjustment Education as issued and at the time of issue to the public.

III. Submit the following additional information, each time as a separate exhibit. If complete details regarding any of the items are to be found in your catalog, you may specify the page instead of submitting the details separately.
1. A detailed itemized statement of all charges made to students. This must cover all charges for tuition, equipment costs, books, and supplies, and any special fees.
2. An outline of each separate program showing (a) the subjects included, (b) the approximate time (in weeks) needed to complete the full course.
3. A statement of any special requirements for completion of the course.
4. A brief description of the institution's (a) physical facilities including both space and equipment, (b) library, and (c) method of keeping permanent records.

5. Give a bank reference and nine responsible firms or individuals with which the institution has had business relations or who can testify as to the success of your graduates.

Name	*Address*

FORM 3
Revised

TEACHING AND ADMINISTRATIVE PERSONNEL
NAMES AND QUALIFICATIONS OF TEACHING STAFF

Names	High School Attended 4 yrs. Diploma	College Attended Degrees	Practical Experience	
			Industry or Business	Subjects or Courses Taught
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Group 3. Eggs (No rules filed)

CHAPTER 3. ECONOMICS

SUBCHAPTER 1. FRUIT AND VEGETABLE STANDARDIZATION
SUBCHAPTER 2. MARKETING
SUBCHAPTER 3. MARKET ENFORCEMENT
SUBCHAPTER 4. SHIPPING POINT INSPECTION (NO RULES FILED)

Printed July 25, 1945

SUBCHAPTER 1. FRUIT AND VEGETABLE STANDARDIZATION

Group 1. Canning Tomatoes
Group 2. Dried Fruits and Nuts
Group 3. Eggs (No rules filed)
Group 4. Fresh Fruits and Vegetables
Group 5. Grapes for By-Products (No rules filed)
Group 6. Honey (No rules filed)
Group 7. Seed Potatoes
Group 8. Emergency Standards

Group 1. Canning Tomatoes

Article
1. Canners
2. Color Chart
Article
3. Delivery and Acceptance

Article 1. Canners

1330. Schedule of Fees. The fee to be collected by the Department from each canner receiving deliveries of tomatoes for canning purposes to cover the cost of inspection and certification of such tomatoes is hereby established at twenty-eight cents ($0.28) per ton (2,000 pounds) for the 1947 season and until rescinded.

NOTE.—Section 1330, issued under the authority contained in Sections 16, 762.8 and 762.9, Agricultural Code. Source of 1330 is the Regulation issued by the Director of Agriculture.

1331. Canner to Furnish Information. Each canner receiving tomatoes for canning purposes being designated by law as the agent of the Director of Agriculture for the purpose of the collection of fees chargeable to him and chargeable to each producer or person from whom one-half of the fee is collected, delivering such tomatoes, shall furnish to the Department of Agriculture the correct name and address of each such person delivering to him tomatoes for canning purposes. Such name and address must be made available to the representative of the Department making the inspection so that it can be placed by him upon the certificate issued for each load or lot delivered.*†

Article 2. Color Chart

1334. Color Chart. The color of canning tomatoes as required by Section 762 of the Code, and as defined in Section 761 of said Code shall be that color depicted in a California Standard Color Chart for canning tomatoes issued by the Bureau of Fruit and Vegetable Standardization.*†

*† For statutory and source citations, see note to §1330.

Article 3. Delivery and Acceptance

1337. Delivery and Acceptance of Tomatoes. Section 762.5 of the Agricultural Code provides that the Director shall inspect all deliveries of canning tomatoes and issue a certificate of inspection if the tomatoes conform with the standards established in Chapter 1a of Division 5 of the Agricultural Code or issue a rejection order if the tomatoes fail to conform with such standards including the tolerances provided in Section 763. Section 763.1 provides that it is unlawful for any person to make delivery or accept delivery of tomatoes for canning purposes which have not first been so inspected and certified, or which have been rejected. No load of canning tomatoes shall be unloaded until a regularly authorized canning tomato inspector has inspected and has issued an official certificate for each load.*†

1338. Official Sample. Canning tomatoes in any delivery shall be determined to be suitable or unsuitable for canning purposes as defined in Section 762 of the Agricultural Code by the examination of all of the tomatoes in a representative sample taken as follows:

Loads from	1 to 50 boxes, 2 box sample
	51 to 100 boxes, 3 box sample
	101 to 300 boxes, 4 box sample
	301 to 400 boxes, 5 box sample
	401 to 600 boxes, 6 box sample
	601 to 800 boxes, 7 box sample
	801 and up boxes, 8 box sample

When determining the percentage of "well colored" tomatoes as required by Chapter 1a, Division V of the Agricultural Code, a representative sample shall consist of only the first two boxes in the sample selected as defined herein in the case of the round type tomatoes, and the first box in the case of pear type tomatoes.

The status of any load of canning tomatoes shall be determined by the inspection of the tomatoes in the representative sample defined herein except that when the resulting percentage of defects is only slightly more than that permitted by law and doubt exists as to the quality of the load, then an additional official sample consisting of the same number of boxes selected from different parts of the load may be selected. The weight of the defective tomatoes resulting from the inspection of the two representative samples taken shall be averaged to obtain the final percentage of defects for the load.*†

1339. Percentage Chart. When tomatoes are in cannery delivery boxes designed to hold 50 pounds of tomatoes (1) the official "Percentage Chart" issued by the Bureau of Fruit and Vegetable Standardization shall be used to determine the percentage of defects; and (2) the boxes of tomatoes selected as the sample for the purpose of inspection and determining the percentage of defects shall be normally filled and shall be considered as holding 50 pounds of tomatoes. (Sections 1330 to 1339, inclusive, filed 4-26-46)*†

*† For statutory and source citations, see note to §1330.

CHAPTER 3. ECONOMICS

SUBCHAPTER 1. FRUIT AND VEGETABLE STANDARDIZATION

SUBCHAPTER 2. MARKETING

SUBCHAPTER 3. MARKET ENFORCEMENT

SUBCHAPTER 4. SHIPPING POINT INSPECTION (NO RULES FILED)

SUBCHAPTER 1. FRUIT AND VEGETABLE STANDARDIZATION

Group 1. Canning Tomatoes
Group 2. Dried Fruits and Nuts
Group 3. Eggs (No rules filed)
Group 4. Fresh Fruits and Vegetables
Group 5. Grapes for By-Products (No rules filed)
Group 6. Honey (No rules filed)
Group 7. Seed Potatoes
Group 8. Emergency Standards

Group 1. Canning Tomatoes

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SUBCHAPTER 3. ENTOMOLOGY AND PLANT QUARANTINE
SUBCHAPTER 4. PLANT PATHOLOGY
SUBCHAPTER 5. RODENT CONTROL AND WEED CONTROL AND SEED INSPECTION
SUBCHAPTER 6. MISCELLANEOUS MATTERS

SUBCHAPTER 1. CHEMISTRY

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Group 2. Economic Poisons
Group 3. Spray Residue (No rules filed)

Group 1. Fertilizing Materials

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Group 1. Bonded Warehouses

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(Register 11, No. 5—2-7-48)

State of California

California Administrative Register 11, No. 5

(February 7, 1948)

Amendments and Additions to Rules and Regulations of

Title 3. Agriculture
Title 5. Education
Title 11. Law
Title 14. Fish and Game

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CHAPTER 2. DIVISION OF WATER RESOURCES—STATE ENGINEER—DEPARTMENT OF PUBLIC WORKS

SUBCHAPTER 1. DAMS
SUBCHAPTER 2. WATER

Printed July 25, 1945

SUBCHAPTER 1. DAMS

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324. Time to Begin Construction
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328. Cost Statement
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381. By Whom Made
382. Determination After Inspection or Upon Data on File
383. Payment for Inspections

Article 1. General Provisions

301. Intent of Legislature. The intent of Division 3 of the Water Code is to provide supervision and regulation over dams as necessary to safeguard life and property from injury by reason of failure thereof. (Sections 6075 and 6100, Water Code.)

NOTE—§§301 to 383, inclusive, issued under authority contained in Sections 6050 and 6078, Water Code (Chapter 368, Statutes of 1943, as Amended). Source of §§301 to 383, inclusvie, is the Rules and Regulations of the Department of Public Works (Division of Water Resources, State Engineer).

302. State Engineer, Administrative Officer. The duties, power and jurisdiction vested in the Department of Public Works by Division 3 of the Water Code relating to dams are administered by the State Engineer. The Department from time to time adopts such Rules and Regulations and issues such general orders as may be necessary for carrying out the provisions of said Division 3. All approvals, disapprovals, orders and certificates of approval will be issued by the State Engineer.*† (Sections 6001, 6050, 6051, 6078, Water Code.)

303. Purpose, Effect and Modification of Rules. These Rules and Regulations are adopted for the purpose of carrying out the provisions of Division 3 of the Water Code and also for the information and guidance of the public. In general they will be used as guides in the exercise of discretion, where a discretion is vested. Under no circumstances, and in no particular case shall these Rules and Regulations, or any of them, be construed as a limitation or restriction upon the exercise of any proper discretion, where such exists, nor shall they in any event be construed to deprive the Department of any exercise of powers, duties and jurisdiction conferred by law, nor to limit or restrict the amount or character of data or information which may be required for the proper administration of the law.

Insofar as they do not constitute statements or restatements of the code, they may be suspended or modified, in whole or in part, upon good cause shown or when in the discretion of the Department the particular facts or circumstances render such action desirable in a given instance.*† (Section 6078, Water Code.)

304. Definition of Dam. The term "dam" means any artificial barrier or obstruction, together with appurtenant works, if any, across a stream, channel, watercourse or drainage basin which does or may impound or divert water which either (a) is or will be 25 feet or more in height from the level of the natural streambed at downstream toe to crest of spillway, provided, it impounds or may impound more than 15 acre-feet of water or (b) has or will have an impounding capacity of 50 acre-feet or more of water, provided it is or will be more than 6 feet in height from the level of the natural streambed at downstream toe to crest of spillway.

The following will not be considered as subject to jurisdiction:

(a) Regulatory or control structures in canals.
(b) Levees for flood protection along rivers and streams.
(c) Canal banks, tanks and basins which have no drainage area.

*† For statutory and source citations, see note to §301.

CALIFORNIA ADMINISTRATIVE CODE

(TITLE 17) Public Health

Cross Reference Table No. 1 indicates the origin of each section of the code. Cross Reference Table No. 2 indicates the disposition in the code of former sections of the Rules and Regulations issued by the State Department of Public Health.

Cross Reference Table No. 1

Origin of the California Administrative Code

California Administrative Code Section	*Origin* *State Department of Public Health—Rules and Regulations, Sanitation (Environmental)* *Article*	*Section*	
7500	--	1	Permanent Quarantine Relating to Clams in San Francisco Bay
7525	1	2	Digging and Handling of Soft Shell Clams
7526	2	2	" " " " " " "
7527	3	2	" " " " " " "
7528	4	2	" " " " " " "
7529	5	2	" " " " " " "
7530	6	2	" " " " " " "
7531	7	2	" " " " " " "
7532	8	2	" " " " " " "
7557	1640	3	Drain Wells
7582	1643	4	Drinking Water Supplies
7587	I	--	" " "
7597	II	--	" " "
7598	II	--	" " "
7599	II	--	" " "
7600	II	--	" " "
7601	II	--	" " "
7602	II	--	" " "
7612	III	--	" " "
7613	III	--	" " "
7614	III	--	" " "
7624	IV	--	" " "
7625	IV	--	" " "
7635	V	--	" " "
7636	V	--	" " "
7646	VI	--	" " "
7647	VI	--	" " "
7657	VII	--	" " "
7658	VII	--	" " "
7659	VII	--	" " "
7669	VIII	--	" " "
7670	VIII	--	" " "
7680	IX	--	" " "
7681	IX	--	" " "
7706	1	--	Certificates
7716	2	--	(A) Oyster Beds
7717	3	--	" " "
7718	4	--	" " "
7719	5	--	" " "
7720	6	--	" " "
7721	7	--	" " "
7722	8	--	" " "
7723	9	--	" " "
7724	10	--	" " "
7725	11	--	" " "
7735	12	--	(B) Oyster Shucking and Packing Plant Certificate
7736	13	--	" " " " " " "

California Administrative Code Section	*Article*	*Origin: State Department of Public Health—Rules and Regulations, Sanitation (Environmental) Section*	
7737	14	--	(B) Oyster Shucking and Packing Plant Certificate
7738	15	--	" " " " " " "
7739	16	--	" " " " " " "
7740	17	--	" " " " " " "
7741	18	--	" " " " " " "
7742	19	--	" " " " " " "
7743	20	--	" " " " " " "
7744	21	--	" " " " " " "
7745	22	--	" " " " " " "
7746	23	--	" " " " " " "
7747	24	--	" " " " " " "
7748	25	--	" " " " " " "
7749	26	--	" " " " " " "
7774	I	--	Public Swimming Pools
7784	II	--	" " "
7785	II	--	" " "
7786	II	--	" " "
7787	II	--	" " "
7788	II	--	" " "
7789	II	--	" " "
7790	II	--	" " "
7791	II	--	" " "
7801	III	--	" " "
7802	III	--	" " "
7803	III	--	" " "
7804	III	--	" " "
7805	III	--	" " "
7806	III	--	" " "
7807	III	--	" " "
7808	III	--	" " "
7818	IV	--	" " "
7819	IV	--	" " "
7820	IV	--	" " "
7821	IV	--	" " "
7822	IV	--	" " "
7832	V	--	" " "
7833	V	--	" " "
7834	V	--	" " "
7835	V	--	" " "
7836	V	--	" " "
7837	V	--	" " "
7838	V	--	" " "
7839	V	--	" " "
7840	V	--	" " "
7850	VI	--	" " "
7860	VII	--	" " "
7861	VII	--	" " "
7862	VII	--	" " "
7872	VIII	--	" " "
	Rule		
7897	1	--	Sewage for Crop Irrigation Purposes
7898	2	--	" " " " "
7899	3	--	" " " " "
7900	4	--	" " " " "
7901	5	--	" " " " "
7925	--	--	Sale of Rat Exterminators
7935	1	--	Shipment and Sale of Rodents
7936	2	--	" " " " "
7937	3	--	" " " " "

Cross Reference Table No. 2

Disposition of former sections of the said Rules and Regulations in the California Administrative Code.

State Department of Public Health Rules and Regulations, Sanitation (Environmental) Article	Section		*California Administrative Code Section*
1		Permanent Quarantine Relating to Clams in San Francisco Bay	7500
2	1	Digging and Handling of Soft Shell Clams	7525
2	2	" " " " " " "	7526
2	3	" " " " " " "	7527
2	4	" " " " " " "	7528
2	5	" " " " " " "	7529
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Group 9. Nonprofit Hospitals

Article 1. Nonprofit Hospitals

850. Nonprofit hospitals must possess the facilities set forth in these Regulations:

(a) A modern physical plant, properly equipped for the comfort and scientific care of the patient.

(b) The hospital shall have a written declaration of policy governing such hospital and Rules and Regulations by which such hospital is operated and maintained.

(c) A governing body qualified to administer the hospital. This may be a board of trustees or directors, a partnership, or an individual. Such a board, partnership, or individual, shall assume final authority and responsibility for the administration.

(d) A competent, well trained executive officer or superintendent with authority and responsibility to carry out the policies of the institution as authorized by the governing body.

(e) An adequate number of efficient personnel, properly organized and under competent supervision.

(f) An organized healing art staff of ethical, competent physicians for the carrying out of the professional policies of the hospital, subject to the approval of the governing board. The form of organization of the staff will be determined by the size and activity of the hospital in accordance with its needs.

In very small hospitals, where there are few physicians, provision shall be made for regular meeting of all staff members to initiate minimum standards of diagnostic and therapeutic practice which shall be adopted by the hospital as a guide for staff members and carry out other work of professional interest. A medical advisory committee or (in the case of a very small staff) the chairman of the staff serving as medical adviser would act as liaison between the medical staff and governing board or body of the hospital.

(g) Adequate diagnostic and therapeutic facilities with efficient technical service under competent healing art supervision.

(h) Accurate and complete clinical records filed in an accessible manner so as to be available for study, reference, follow-up and research.

(i) Group conferences of the administrative staff and of the healing art staff to review regularly and thoroughly their respective activities in order to keep the service and the scientific work on the highest plane of efficiency.

(j) A humanitarian spirit in which the best care of the patient is always the primary consideration.*†

NOTE: §777 issued under authority contained in Sections 11501, 11502, and 11503 of Insurance Code.

[Regulations of State Department of Public Health]

*† For statutory and source citations, see note to §750.

(f) The guardian of the estate of a licensee may execute a transfer application and shall accompany such transfer application with a certified copy of the order appointing him guardian.

(g) In case of the death of a partner licensee the surviving partner or partners may execute a transfer application and shall accompany such transfer application with a certified copy of the death certificate of the deceased partner.

(h) A trustee of the bankrupt estate of a licensee may execute a transfer application and shall accompany such transfer application with a certified copy of the order appointing him trustee.

(i) In the event that a deceased licensee leaves no estate to be administered, the surviving spouse may execute a transfer application and shall accompany such transfer application with a certified copy of the death certificate of the deceased licensee.

(j) The receiver of the estate of a licensee may execute a transfer application and shall accompany such transfer application with a certified copy of the order appointing him receiver. (Filed 9-18-47; Effective 9-18-47)

61. License Limitation. (a) No distilled spirits wholesaler's or rectifier's license shall be issued in any county in excess of the number of such licenses issued and outstanding in such county as of December 14, 1945. No distilled spirits wholesaler's license or rectifier's license shall be transferred from premises located in one county to premises located in another county. Nothing in this rule shall be deemed to prevent the renewal or the transfer of any distilled spirits wholesaler's license or rectifier's license from person to person or from premises to premises within the same county.

(b) On-sale distilled spirits licenses for seasonal businesses shall be restricted to premises for which such licenses have heretofore been issued by the board, unless the board shall determine that the issuance of such licenses for other premises is warranted because of the public convenience and necessity. (Amended 12-13-45; Effective 12-14-45; filed 12-17-45)

63. License Reinstatement After Automatic Revocation. A license may be issued to a person who makes application therefor within a period of three months following automatic revocation of a license of the same type for failure to renew such license, when it shall be determined that such failure was due to circumstances beyond the control of the applicant. (Filed 12-19-45)

64. Reinstatement of Licenses Surrendered During Wartime. (a) Any person who surrendered his license to the board under the provisions of subdivisions (a) or (c) of this rule as it read on September 1, 1947 and prior thereto, may apply for reissuance of such license within 90 days after his honorable discharge or his discharge under other honorable conditions from the United States armed forces or Merchant Marine, or within 90 days after the possession of his premises has been returned to him by the United States Government. (Filed 9-18-47; Effective 9-18-47)

(b) Any person who surrendered his license to the board under the provisions of subdivision (b) of this rule as it read on September 1, 1947 or prior thereto, may apply for reissuance of his license by filing an application therefor on or before March 19, 1948. (Filed 9-18-47; Effective 9-18-47)

(c) Any licensee who has surrendered his license under the provisions of rule 64 (b) because of the use or seizure of his premises by the government or its authorized agencies, and whose premises are returned to his use may apply for reissuance of his license within 90 days after the return of his premises. (Filed 12-19-45)

65. Surrender of License on Closing of Business. Every licensee who surrenders, abandons or quits his licensed premises, or who closes his licensed business for a period exceeding two weeks, shall, within 10 days after surrendering, quitting, or abandoning his licensed premises, or closing his business, surrender his license or licenses to the board.

Transfer applications with respect to licenses which have been so surrendered, or which should have been surrendered to the board pursuant to this rule, may be filed within a period of 30 days after the licensee surrenders, abandons, or quits his licensed premises, or closes his licensed business.

66. Premises Where License Previously Denied. No license will be issued for any premises for which an application for a license has been denied, for reasons pertaining to the premises, unless one year has elapsed from the date the order of denial became final. (Filed 9-18-47; Effective 9-18-47)

67. On-Sale Beer Licenses. An on-sale beer license will not be issued for any premises for which any other type of license is issued and no other type of license will be issued for premises for which an on-sale beer license is issued. (Filed 9-18-47; Effective 9-18-47)

68. Disclosure of Interests in Off-sale General Licenses. For the purpose of complying with the provisions of subdivision (b) of Section 54.6 of the Alcoholic Beverage Control Act disclosure of ownership or interests which are prohibited or restricted by that section shall be made in writing to the board at Sacramento on or before November 18, 1947.

History: 1. New section filed 10-24-47 as an emergency. (Register 10, No. 1.)

Article 12. Military and Naval Reservations and Camps

69. Licenses Will Not Be Issued or Transferred to the Vicinity of Military or Naval Reservations. (Repealed. Effective 9-18-47.)

70. Army or Navy Disciplinary Action Cause for Suspension or Revocation of Licenses. (Repealed. Effective 9-18-47.)

71. Sales to Persons on Federal Reservations. Beer manufacturers, wine growers, rectifiers or wholesalers of alcoholic beverages who sell alcoholic beverages to nonlicensees having a fixed place of business or

residence upon territory within this State which is maintained by the United States Government as a military or naval reservation or a National park, may deliver such alcoholic beverages to such nonlicensees at the vendor's licensed premises only when the purchaser is a ship's service store, officers' club, officers' mess, post exchange or similar organization. Such deliveries may be made only to persons who present at the licensee's premises a written order for the purchase of the alcoholic beverages specified in the order, which shall be issued by the service organization for which the purchase is made. Any licensee making such sales and

(Register 11, No. 2—1-17-48)

State of California
California Administrative Register 11, No. 2

(January 17, 1948)

Amendments and Additions to Rules and Regulations of

Title 2. Personnel Board
Title 3. Agriculture
Title 5. Education
Title 14. Fish and Game
Title 16. Dry Cleaners

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CHAPTER 7. COLLECTION AGENCIES—SECRETARY OF STATE

Printed December 5, 1946.

Article 1. General

601. Definitions. (a) **"Chapter 8"—"Chapter."** Wherever the terms "Chapter 8" or "Chapter" are used in these Rules and Regulations, such terms shall be deemed to mean and refer to Chapter 8 of Division 3 of the Business and Professions Code of the State of California. (Section 6850 to 6956.)

(b) **"Customer."** Any person, persons, firm or association assigning to or listing with any licensee claims or accounts for collection or employing any licensee to do or perform any of the acts or services authorized by law to be done by a collection agency, shall be deemed to be a customer of such licensee within the meaning of these Rules and Regulations.

(c) **"Repossession of Personal Property as Claim."** Any liability for the repossession, in lieu of payment, of personal property sold under any title retaining agreement shall be deemed the equivalent of an obligation for the payment of money within the meaning of Section 6855 of said chapter, and any right to the repossession of such personal property, in lieu of payment therefor, shall be deemed a claim within the meaning of said section and act.

(d) **"Attorney Conducting Collection Agency."** Any attorney at law, who directly or indirectly, by the use of agents, representatives, fictitious names or otherwise, solicits claims or accounts for collection, shall be deemed to be conducting a collection agency and included in the term "Collection Agency" within the meaning of Section 6852 of Chapter 8 of Division 3 of the Business and Professions Code. The term "Collection Agency" shall include all attorneys at law who are in fact conducting collection agencies whether included in the foregoing definition or not.

(e) **"Original License."** An original license shall be deemed to be any license which is not a renewal or continuation of an existing license in good standing. When such term is used with reference to any branch office, original license shall be deemed to mean the original license to operate such branch office and not any other license issued to the same licensee.

(f) **"Person Actively in Charge of Office."** A qualified person shall not be deemed to be actively in charge of any office, as required by Sections 6877, 6920, 6921, 6922 and 6923 of Chapter 8, unless such office shall actually constitute the principal place of business of such person and such person shall be in actual and personal charge of the business and personnel of such office, and unless such person shall actually and regularly spend a major portion of the usual business hours in such office or in connection with collection agency business handled by or through such office.

***† For statutory and source citations, see note to §601.**

NOTE.—§§601 to 635, inclusive, issued under authority contained in Section 6866, Business and Professions Code. Source of §§601 to 635, inclusive, is the Rules and Regulations of the Secretary of State, re Collection Agencies.

602. Qualifications for Examination. Applicants for collection agency license examination must meet all of the following qualification requirements. Each must:

(a) Be a citizen of the United States of America;

(b) Be at least 21 years of age at the time of filing of application for examination;

(c) Have completed a four year high school course or its equivalent, or have attained the equivalent of a high school education in intellectual competency and achievement;

(d) Have had at least one year practical experience in the collection agency business; in the credit and collection department of a mercantile business, bank, finance company, or comparable business; or one year practical business experience of a character which, in the discretion of the Board, would tend to fit applicant for the collection agency business;

(e) Have been a bona fide resident of the State of California for at least one year immediately preceding the date of the filing of the application for examination;

(f) Be of good moral character and one who has never been convicted of any crime involving moral turpitude;

(g) Be a person who has never had a collection agency license revoked, and who has never been managing partner, managing director or trustee of any licensee at the time of the revocation of the license of any such licensee, and who has never been discharged by any licensee because of improper collection methods or tactics;

(h) File with the office of Secretary of State at Sacramento an application for examination on the form prescribed by the Secretary of State which shall truly set forth all the information required and which shall be executed and filed in accordance with the instructions on said form and the law and rules and regulations applicable thereto.

The sufficiency of the qualifications of applicants for examination shall be determined by the Board prior to examination from the applications for examination or from such other information as shall be acceptable to the Board. The qualifications imposed by subdivisions (f) and (g) above may be waived by the Board to permit qualification of an applicant to be in charge of a collection agency business other than as licensee, partner or managing director or trustee, providing the Board has determined the applicant is then a fit person to be in charge of such business.

603. Filing and Approval of Applications for Examination. Applications for examination must be filed in the office of the Secretary of State at Sacramento at least 10 days prior to the date of examination and shall be submitted to the Board for approval or rejection. Applicants whose applications are rejected will be notified in advance of the examination and their examination fees will be refunded.

(§§602 and 603 filed 1-27-47)

*† For statutory and source citations, see note to §601.

604. Time and Place of Examination. The time and place of each examination shall be determined by the Secretary of State and Board of Examiners and notice thereof given in the manner and within the time prescribed by Chapter 8. At least one examination each calendar year will be conducted in each of the cities of San Francisco and Los Angeles.*†

605. Scope of Examination. All examinations for collection agency licenses shall be practical in character and shall be designed to determine the ability and fitness of applicants to engage in the collection agency business. Each examination will generally include questions on Chapter 8 of Division 3 of the Business and Professions Code, Rules and Regulations established by the Secretary of State, general collection practices and customs, general business and collection ethics, elementary accounting and bookkeeping procedure and practice, and elementary commercial law and legal procedure affecting the collection agency business, practices and procedure.*†

606. Unsuccessful Candidates. Any applicant who shall fail to pass the first examination taken by such applicant, may take any subsequent examination without paying any additional examination fee, provided, however, no applicant shall be permitted to take more than three examinations for each examination fee of $25 paid.*†

607. Application for License. Applicants who shall have been certified by the Board of Examiners as having passed the examination and fulfilled all requirements for a license must make application for such license within one year after written notification of such certification by filing with the office of Secretary of State at Sacramento, within said time, a duly completed and executed application in the form required and furnished by said Secretary, a good and sufficient bond and the required fee for an original license, except that such period of time as an applicant may serve in the United States military service or as an employee or managing director or trustee of a duly licensed collection agency shall not be included in computing the time within which the application for license must be made.*†

608. Filing Bond. No original license shall be issued until the bond contemplated by Sections 6895, 6896 and 6897 and required by said sections of Chapter 8 has been filed with the office of the Secretary of State at Sacramento, and unless such bond is so filed within 30 days after the application for license is received, such application shall be denied without prejudice to a proper renewal of such application.*†

609. Assets of Applicant. Net worth of an applicant as required and contemplated by Section 6880 of said chapter shall be deemed to mean net assets of the reasonable present value of at least $2,000 in excess of all present obligations and liabilities, and of any kind acceptable and satisfactory to the Secretary of State.

Should the net assets of any applicant as disclosed by the financial statement be deemed insufficient the Secretary of State may require, as a condition precedent to the issuance of a license, that applicant obtain and file a verified appraisal by a duly appointed California

*† For statutory and source citations, see note to §601.

Inheritance Tax appraiser showing the net value of such assets to be $2,000 or more.*†

610. Names of Licenses. No license shall be issued to engage in the collection agency business under any fictitious name which is misleading or deceptive to the public, or which is the same as or so similar to the name of any existing licensee as to tend to deceive or confuse the public.*†

611. Branch Office License and Fee. Any license to operate a branch office, which license is not a renewal or continuation of an existing license in good standing for the identical branch office, shall be deemed an original license within the meaning of Sections 6920, 6921, 6922, 6923 and 6956 of said chapter and shall be subject to the original license fee of $50.*†

612. Dissolution of Partnership. The dissolution or termination of a copartnership by any cause other than death shall be deemed to be by operation of law within the meaning of Section 6914 of said chapter.*†

613. Removal of Persons in Charge of Offices. In the event the services of any qualified person required to be in charge of any office, the original license for which was issued after May 1, 1941, shall be terminated by causes beyond the control of the licensee, then the license of such office shall not be revoked or rendered void by reason of the loss of such qualified person, provided that within 30 days after the first license examination given following the loss of such qualified person the vacancy shall be filled by another person who shall have qualified by passing such license examination or a previous examination and who shall be otherwise qualified.*†

614. Induction Into Military Service. Any individual licensee inducted into the United States military service may assign or transfer all uncollected claims or accounts and all unfinished business to any other licensee for collection and completion; or such licensee may make such other arrangements as may be mutually agreeable for the continuation and conduct of such licensee's collection agency business by any other licensee during such military service.

In the event the managing partner, managing director, managing trustee or other managing officer of any partnership, corporation or unincorporated association licensed after May 1, 1941, is inducted into the United States military service, then the license of any such agency or office shall not be revoked or rendered void for want of a qualified manager provided such managing officer or partner shall be replaced by a partner, director, trustee or officer who shall qualify by passing the first license examination given following such vacancy or who shall have passed a previous examination and who shall also be otherwise qualified to fill such vacancy. In lieu of replacing any such managing partner or officer in the manner provided, any such licensee

*† For statutory and source citations, see note to §601.

make recommendations to the Board as to the qualifications of the examinee. Any person dissatisfied with the findings of the committee may appeal to the Board for a hearing.

Article 3. Training Schools

2271. Living Quarters. Guide dog training schools shall provide adequate living quarters at the school where the guide dog and the person being taught to use the dog may live together, such living quarters to be clean and sanitary.

2272. Compliance With Law. Guide dog training school facilities shall comply with:

(a) The laws of the State, and the city and/or county in which located.

(b) The rules and regulations of the State Fire Marshal and of the city and/or county fire protection agencies.

(c) The rules and regulations of the State Department of Public Health and of the health department or board of the city and/or county in which located.

2273. Health Certificate. All persons desiring to enter a school to receive training in the use of a guide dog shall present to the school a certificate of a licensed physician or surgeon stating that the applicant is free of contagious or communicable diseases.

2274. Training Period. Each school engaged in the training of guide dogs and their use shall provide a minimum of 80 hours of training over a period of four weeks. No less than 15 hours, nor more than 25 hours, of training shall be given during any one week.

2275. Female Dog. No female guide dog that has not been spayed shall be sold to, given to, or loaned to a blind person for use as a guide dog, and the blind person shall be given a certificate of a veterinarian, or an affidavit of the donor, stating that the female dog has been spayed.

2276. Inspection. Schools for the training of guide dogs and their use shall be open to inspection at all times by the Board, its representatives, or any person or agency authorized by it.

2277. Physical Defects. All trainers of guide dogs shall have normal vision (corrected or uncorrected), normal hearing, and shall be free of defects or disabilities that prevent or interfere with the proper training of guide dogs or their use.

Article 4. Standards of Training

2282. Required Training. Guide dogs shall be trained to:

(a) Stop at the end of each block.

(b) Stop at curbs, doors, stairs, sharp descents or rises, or other obstacles.

(c) Obey commands.

(d) Cross streets or alleys straight to the other side.

(e) Clear all obstacles and persons.

(f) Stop for approaching vehicles.

(g) Pass other dogs, cats, or birds without undue distraction, and not be unduly distracted by noises.

(h) Guide a person to a bus or streetcar and ride with the person.

2283. Attendants for the Blind. Each school shall have available at all times a female and a male attendant to render such assistance as may be necessary to blind persons being trained in the use of a guide dog at the school.

2284. Attendant Must Be Licensed. Anyone training a blind person in the use of a guide dog must be licensed by the Board, provided, however, that a school may employ unlicensed persons to assist in such training. No unlicensed person shall act as a trainer except under the direct and immediate supervision of a licensed trainer.

CHAPTER 18. BOARD OF SOCIAL WORK EXAMINERS

Printed December 5, 1946

Article
1. General Provisions
2. Registration
Article
3. Fees

Article 1. General Provisions

1800. Location of Offices. The principal office of the Board of Social Work Examiners is located at Room 610, 126 Post Street, San Francisco 8, California.

NOTE. §§1800 to 1804, inclusive, issued under authority of Section 9012 of the Business and Professions Code.

1801. Tenses, Gender, and Number. For the purpose of the rules and regulations contained in this subchapter, the present tense includes the past and future tenses, and the future, the present; each gender includes the other two genders; and the singular includes the plural and the plural, the singular.*†

1802. Definitions. For the purpose of the rules and regulations contained in this subchapter, the term "Board" means the Board of Social Work Examiners; and the term "Code" means the Business and Professions Code.*†

1803. Delegation of Certain Functions. The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpenas and subpenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive secretary, or, in his absence from the office of the Board, the acting executive secretary.*†

1804. Filing of Addresses. Each person holding a certificate of registration, license, permit or any other authority to use the title of registered social worker or the letters R.S.W. in connection with their names or engage in any activity under any and all laws administered by the Board shall file his proper and current mailing address with the Board at its principal office and shall immediately notify the Board at its said office of any and all changes of mailing address, giving both his old and his new address. *†

*† For statutory and source citations, see note to §1800.

Article 2. Registration

1809. Application for Registration. An application for a certificate of registration as a registered social worker shall be submitted on an application form prescribed and provided by the Board, accompanied by such evidence, statements or documents as therein required, and filed with the Board at its principal office.*†

1810. Eligibility for Examination. After January 1, 1947, an applicant for a certificate of registration as a registered social worker shall have satisfactorily completed at least one (1) year of full time graduate study or the equivalent thereof in an approved school of social work, before he will be eligible to take an examination testing his qualifications to receive a certificate of registration.*†

1811. Results of Examination. An examinee shall be notified merely that he has "Passed" or "Not Passed" an examination. No specific grades received in an examination shall be made known to an examinee.*†

1812. Definition of Social Worker. For the purposes of Sections 9042(b) and 9043(b) of the code, the term "social worker" means a person whose primary professional task during the times therein mentioned was the rehabilitation of the individual or group in adjustment to society and includes a person engaged in social case work, social group work, social research, the teaching of social work and community organization for social welfare, within the framework described above. A person employed in a general recreation program which was without discernible group work or case work content shall not be considered a "social worker." *†

Article 3. Fees

1816. Application and Annual Renewal Fees. (a) In accordance with the provisions of Section 9039 of the code, the fee for filing an application for a certificate of registration as a registered social worker and the annual fee for the renewal of a certificate are hereby fixed as follows:

(1) The application fee is seven dollars ($7).

(2) The annual renewal fee is five dollars ($5).

(b) The fees fixed by subdivision (a) of this section shall be deemed to be determined annually until changed by the Board.*†

1817. Refund of Application Fee. Where an application is accepted for filing and processing, there shall be no refund of the application fee except as authorized by Section 158 of the Code.*† (§§1800 to 1804, inclusive, filed 10-31-46)

*† For statutory and source citations, see note to §1800.

Group 4. Fresh Fruits and Vegetables

Article
1. Avocados, Freezing Injury
2. Citrus Fruits
3. Average Diameter of Oranges and Grapefruit
4. Maturity of Gravenstein Apples
5. Maturity of Oranges and Grapefruit

Article 1. Avocados, Freezing Injury

1385. Avocados, Freezing Injury. Freezing injury to avocados as defined in Section 792 of the Agricultural Code *shall not be* considered as causing a waste of 10 per cent or more, by weight, of the entire avocado, including the skin and seed if, at the time of cutting on a transverse cut through the blossom end of the specimen, at the base of the seed, such cut surface shows 10 or less dark spots, each having a diameter or length of one-sixteenth of an inch or less. Such damage *shall be* considered as causing a waste of 10 per cent or more if such cut surface shows more than this amount of damage or any other evidence of serious damage from freezing such as discoloration of the flesh or other indications.*†

Article 2. Citrus Fruits

1390. Citrus Fruits. Damage Due to Freezing. All citrus fruits which in the opinion of the enforcement official have at any time been subjected to low temperatures sufficient to eventually cause serious damage due to freezing as defined in Section 795 or 796 of the Agricultural Code, shall, for the purpose of the enforcement of these provisions, even though such serious damage does not at the time fully manifest itself, be considered to have been packed, delivered for shipment or sale, loaded, shipped, transported, caused to be transported or sold in violation of such provisions if a sample of the lot in question is held for a reasonable length of time and the evidences of serious freezing damage as defined in Section 795 or 796 of the Agricultural Code are then present.*†

1391. The enforcement officer shall take and hold a representative sample of not less than 100 fruits, from such a lot of citrus fruits, for the purpose of determining whether or not serious damage as defined herein, will develop. A complete record and evidence of such a lot or consignment shall be retained by the enforcement officer and if at the end of a reasonable length of time, the symptoms of serious freezing damage as defined in Section 795 or 796 of the Agricultural Code are apparent, the responsible party shall be prosecuted providing, the citrus fruits in question have been packed, delivered for shipment or sale, loaded, shipped, transported, caused to be transported or sold in violation of the provisions of Division V, Chapter 2, of the Agricultural Code. The enforcement officer shall immediately thereafter notify the owner or responsible party of the aforesaid present and contemplated action.*†

*† For statutory and source citations, see note to §1340.

Article 3. Average Diameter of Oranges and Grapefruit

1396. Average Diameter of Oranges and Grapefruit. The size of oranges and grapefruit required by Section 796.1, Agricultural Code to be marked on containers of such fruits and as expressed in terms of "average diameter of the citrus fruit in the container" when regularly packed throughout in the standard containers for oranges and grapefruit defined in Section 828.83 of the Agricultural Code, shall be as follows:

(a) **For Oranges**

Size	Average Diameter in Inches	Size	Average Diameter in Inches
48	4.370	220	2.625
64	3.970	252	2.500
80	3.680	288	2.375
100	3.420	344	2.250
126	3.170	392	2.150
150	3.000	420	2.070
176	2.840	442	2.050
200	2.720	490	1.980
216	2.640	540	1.920

(b) **For Grapefruit**

Size	Average Diameter in Inches	Size	Average Diameter in Inches
18	6.200	54	4.270
24	5.640	64	4.030
28	5.350	70	3.910
32	5.120	80	3.740
36	4.920	100	3.480
40	4.750	126	3.190
44	4.610	150	3.000
46	4.540	176	2.840
48	4.470		

[Added 7-20-45]*†

1397. Definition of Diameter. As used in the Agricultural Code and in these Rules and Regulations, the diameter of a citrus fruit shall mean the diameter measurement taken at the widest portion of cross section, at a right angle to a straight line drawn from the stem end to the distal end thereof.*† [Added 7-20-45.]

NOTE.—Section 796.1 of the Agricultural Code requires containers of citrus fruits which are packed and lidded to be marked with the number and average diameter of the fruit in the container.

Section 784.2 of the Agricultural Code provides that it is unlawful to have a misleading statement or designation of grade upon any container of fresh or dried fruit, nut or vegetable. Therefore, when containers of citrus fruits are marked with the average diameter of the fruit in the container, the actual average diameter of such fruits must conform with the markings on the container.

Section 796.2 of the Agricultural Code requiring certain citrus fruits intended for shipment out of the State of California to be regularly packed throughout in lidded, standard containers and that they shall be uniform in size, applies in addition to the provisions referred to in Sections 796.1 and 784.2 of said code, but in no way affects the average diameter requirements of such sections. The "uniform in size" requirements of Section 796.2 of said code restrict the variation in size permitted between the individual fruits in any one container, but does not apply to the provisions of the law requiring the average diameter to be stamped upon the container. Therefore, such citrus fruits must meet the average diameter

*† For statutory and source citations, see note to §1340.

requirement and the uniform in size provisions. Such citrus fruits intended for markets in the State are not governed by Section 796.2 of said code, and, therefore, are not required to be uniform in size.

1398. Official Sample. From each lot of one size: Select two boxes from lots consisting of 100 or less containers and one additional box from each additional 100 containers in the lot.*† [Added 7-20-45.]

1399. From each packed box: From each box selected as described above, select at random not less than 10 per cent, by count, of the fruits in the container. The average diameter of the fruits in such sample shall be considered as the average diameter of all of the fruits in the container so sampled.*† [Added 7-20-45.]

Article 4. Maturity of Gravenstein Apples*

1400. Maturity Defined. The term "properly matured" as applied to Gravenstein apples shall be as stated in paragraph (h) of Section 827 of the Agricultural Code.*†

1401. Determining Stage of Development. Gravenstein apples shall be considered as having reached that stage of development necessary to insure the proper completion of the ripening process when a representative sample in any lot meets one of the following tests:

(a) A composite sample of the juice taken from a small wedge of each apple from not less than 10 representative apples shall test not less than 10.5% soluble solids as shown by a standard hand refractometer instrument.

(b) Except for apples which have abnormal coloring as defined at the end of this paragraph, apples shall have attained at least a No. 2 greenish yellow predominate color as shown on the apple color chart, prepared by the Bureau of Fruit and Vegetable Standardization, and at the same time a representative sample of 10 apples in any lot shall have an average pressure test of not over seventeen pounds. Such pressure test shall be determined by means of a fruit pressure tester measuring in pounds the force required to push a rounded plunger $\frac{7}{16}$″ in diameter into the outer flesh of the fruit to a depth of $\frac{5}{16}$″ after a small area of skin from the areas tested, but little of the underlying flesh, has been removed. Two such determinations are to be made on each specimen. Pressure test readings, when possible, shall be made on opposite sides of each apple. Sunburned or very highly colored areas shall be avoided in making pressure tests. Apples which have abnormal coloring due to damage by leaf hopper or aphids or any other cause shall be considered mature only on the basis of the refractometer test stated in paragraph (a) of this section. (Sections 1400, 1401 filed 4-26-46)*†

Article 5. Maturity of Oranges and Grapefruit*

1410. Grapefruit Sample. The muturity of grapefruit as indicated by the ratio of soluble solids to acid in the juice shall be determined by the analysis of not less than thirty fruits from each size. When grapefruit is segregated as to size as provided in Section 796.4, each such size shall be considered as a separate lot for the purpose of determining the maturity as referred to in this section. When grapefruit is *not* segregated as to size, the fruits in any one size shall be considered as a separate lot for the purpose of determining maturity.*†

*† For statutory and source citations, see note to §1340.

1411. Orange Sample. The maturity of oranges as indicated by the ratio of soluble solids to acid in the juice shall be determined by the analysis of samples from each lot of oranges of one size, which samples shall consist of not less than twelve fruits when the lot consists of fifty boxes or less and not less than eighteen fruits from each lot consisting of more than fifty boxes.

When oranges are segregated as to size as provided in Section 796.3, each such size shall be considered as a separate lot for the purpose of determining the maturity as referred to in this section. When oranges are *not* segregated as to size, the fruits of any one size shall be considered as a separate lot for the purpose of determining maturity.*†

NOTE.—(Reference to Sections 1410 and 1411.) Section 796 of the Agricultural Code specifies that the official sample for testing for maturity of grapefruit shall consist of not less than thirty grapefruit. Sections 796.3 and 796.4 of the Agricultural Code define the various sizes of oranges and grapefruit expressed in average diameter measurements.

1412. Selections of Samples of Oranges and Grapefruit Within a Size. Samples of oranges and grapefruit for use in determining soluble solids to acid ratio of the juice of a lot shall be selected at random throughout the lot and without respect to suspected or known variations in maturity.*†

1413. Total Lot Sample for Oranges and Grapefruit. If the soluble solids to acid ratio test of the first sample selected is safely over the required ratio, the lot shall be considered as complying with this requirement. If such test is close to the required ratio, two more samples selected as required by this article shall be analyzed.

Any enforcing officer may, but shall not be required to, select and analyze more than three samples. The average of the results of all of the tests of such samples taken shall determine the legal status in respect to the required ratio, of the lot of fruits of the size classification being considered.*†

1414. Sample From Individual Containers. In determining the maturity of oranges or grapefruit from an individual container not less than 12 oranges and 30 grapefruit shall be tested from the container in order to determine the soluble solids to acid ratio.*†

1415. Determining the Soluble Solids to Acid Ratio in the Juice of Samples of Oranges and Grapefruit. The soluble solids to acid ratio in the juice of oranges and grapefruit shall be determined as described in the "Official Method for Determining Soluble Solids to Acid Ratio for Oranges and Grapefruit" issued by the Bureau of Chemistry of the State Department of Agriculture and published in the March 1946 issue of the State of California, Department of Agriculture Bulletin, Volume XXXV, Number 1. (Sections 1410 to 1415, inclusive, filed 4-26-46)*†

*† For statutory and source citations, see note to §1340.

Printed July 25, 1945

Group 2. Dried Fruits and Nuts

Article 1. Sampling of Walnuts

1340. Sampling of Walnuts. The examination of a representative sample of any lot of walnuts shall determine whether or not the entire lot meets the requirements of Section 809 of the Agricultural Code with respect to defects, variety and size. Such representative sample shall be drawn from the containers as follows:

(a) Where the lot comprises 1 container, from such container.

(b) Where the lot comprises 2 to 5 containers, inclusive, from 2 containers.

(c) Where the lot comprises 6 to 10 containers, inclusive, from 3 containers.

(d) Where the lot comprises 11 to 20 containers, inclusive, from 4 containers.

(e) Where the lot comprises 21 to 50 containers, inclusive, from 5 containers.

(f) Where the lot comprises 51 or more containers, from 10 per cent of the containers.

(g) Where the walnuts are in bulk, such as in trays, boxes or bins, the sample shall be drawn from representative parts of the entire lot.

NOTE—§§1340 to 1399, inclusive, issued under the authority contained in Sections 16 and 782, Agricultural Code. Source of §§1340 to 1399, inclusive, is the Regulations issued by the Director of Agriculture.

1341. When the inspection shows that a certain container or number of containers carry a percentage of nuts which do not comply with requirements of the Agricultural Code, materially less than the average of the balance of the lot, then such container or containers shall be considered as a separate lot and separate samples shall be taken accordingly.*†

1342. The sample from bulk lots and containers holding 100 pounds or more shall consist of not less than 100 nuts drawn proportionately from the number of containers specified above.*†

1343. When determining the presence of defective nuts for which the tolerance is 10 per cent, if the first 100 nuts cracked and examined do not show over 5 per cent defective kernels, no further test is required. If the first 100 nuts examined show over 5 per cent defective kernels, then a second hundred shall be examined. If the average of these 200 do not show over 7½ per cent defective kernels, no further test is required, but if this average is over 7½ per cent then a third hundred nuts must be examined and averaged with the first 200 in order to determine the official test.*†

1344. The same principal with proportionate percentages shall be used in determining compliance with the defective hull (5 per cent tolerance) and size (12 per cent tolerance) requirements.*†

*† For statutory and source citations, see note to §1340.

1345. When examining walnuts in containers containing less than 100 pounds of nuts, the same procedure as to the selection of samples shall be followed except that the number of nuts selected for the representative sample may be proportionately less according to the total weight of the walnuts in the container, but in no case shall any such sample consist of less than 25 walnuts.*†

*† For statutory and source citations, see note to §1340.

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SUBCHAPTER 2. MARKETING

SUBCHAPTER 3. MARKET ENFORCEMENT

SUBCHAPTER 4. SHIPPING POINT INSPECTION (NO RULES FILED)

SUBCHAPTER 1. FRUIT AND VEGETABLE STANDARDIZATION

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Group 3. Eggs
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Group 5. Grapes for By-Products
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654. Pay roll affidavit. In accordance with Section 624, each pay roll claim shall contain an affidavit reading as follows:

STATE OF CALIFORNIA, }
} ss.
County of_____ }

The undersigned, being first duly sworn, deposes and says: That he is the duly appointed, qualified and acting officer of the herein named State agency; that the within pay roll is correct; that the work for which payment is claimed was actually performed solely for the benefit of the State on the days and during the month as specified; that the individuals whose names are set forth herein were employed in accordance with law to perform such services; that all the provisions of law governing such employment have been fully complied with; that each such individual is entitled to the amount set opposite his name; that every absence of such individuals falling within the definition of sick leave under the Rules and Regulations of the State Personnel Board, which has occurred during the present pay roll period, has been accurately and truly reported to the State Personnel Board; that all deductions made herein for purposes set forth in Section 12420, Government Code, are in conformity with written authorizations, of the employees concerned, on file in this office; that all deductions made herein for the purposes set forth in Section 13922, Government Code, conform to written notice from the Retirement System that authorizations of the employees concerned for such deductions are on file in that office; and that except for officers and employees of the courts, or for members of the faculty, as defined by the Director of Education, in the State colleges, or for officers and employees of the Legislature, each State officer or employee listed herein who is being paid any or all of the emergency salary adjustments as described in Department of Finance circular letter No. 250, has worked on the basis of a minimum of 40 hours per week, except for such absences as may be authorized by law or by or in accord with rules of the State Personnel Board, whether the position be within or without the State civil service.

Affiant further states that the persons for whom payment is requested in this pay roll who have been appointed under emergency appointments or who hold positions excluded from the State civil service by Article XXIV of the State Constitution, except for such persons as are employed under the provisions of Chapter 706, Statutes of 1943, have, in writing, declared themselves to be citizens of the United States.

Affiant certifies that the persons for whom payment is requested in this pay roll have taken, subscribed and filed the oath required by law.

Affiant hereby further states that the totals of the schedules and of the within pay roll as presented are as set forth therein.

(Title)_____

Subscribed and sworn to before me this_____day of_____, 19____.

(Title)_____

APPROVAL OF STATE PERSONNEL BOARD

The persons named in the within pay roll are holding positions as provided by Article XXIV of the State Constitution, Sections 18570 to 19765, inclusive, Government Code, and the rules and regulations prescribed thereunder. All items and amounts claimed on the within pay roll are in accordance with the current budgetary provisions as approved by the Department of Finance. Except for such persons as are employed under the provisions of Chapter 706, Statutes of 1943, all persons named in the within pay roll who hold positions within the State civil service have declared themselves, in writing, to be citizens of the United States.

The within pay roll is hereby approved for payment with exceptions, if any, as noted.

STATE PERSONNEL BOARD

By _____*†

655. Salary includes all services. Acceptance of fees by State officers. The salaries fixed by law for all State officers, elective or appointive, shall be compensation in full for all services rendered in any official capacity or employment whatsoever, during their terms of office, and no such officer shall receive for his own use any fee or perquisite for the performance of any official duty. (Sec. 18000, Gov. C.)*†

Article 7. Invoice Claims

675. Purchase of materials and supplies. The State Controller shall issue no warrants for claims covering the purchase of materials, supplies or equipment unless the claims have first been approved by the Department of Finance to the effect that all the provisions of law relating to the purchase of such materials, supplies or equipment have been complied with. (Sec. 13370, Gov. C.)*†

676. Specifications for bids. There shall be no qualifications in the specifications for any contract which will work for the advantage of any particular bidder or any class of bidders.*†

677. Invoices. (a) All invoices or vouchers shall be billed to the State of California or to a particular department, board, commission, agency, or officer thereof and shall be presented for allowance in accordance with the procedure set forth in these rules and regulations.

(b) Invoices or vouchers not on printed bill heads shall be signed by the vendor or person furnishing the supplies or service.

(c) Every invoice for the purchase of materials, supplies or equipment shall show the purchase order number under which the materials, supplies or equipment were purchased.

(d) Every invoice shall be properly itemized before a claim, based thereon, is filed for payment.

(e) Where claims for services are rendered under a contract, the date upon which the Department of Finance approved the contract shall be shown upon the claim.*†

*† For statutory and source citations, see note to §600.

(Register 11, No. 8—3-20-48)

State of California

California Administrative Register 11, No. 8

(March 20, 1948)

Amendments and Additions to Rules and Regulations of

Title 2. Board of Control

Title 3. Agriculture

Title 14. Fish and Game

Title 16. Social Work Examiners
Guide Dogs for the Blind

Title 18. Motor Vehicle Fuel License Tax

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(d) The application of an election to any employee under this regulation shall terminate if the Department finds that the employee no longer customarily performs services in more than one state. Such termination shall be effective as of the close of the calendar quarter in which notice of such finding is mailed to all interested parties, or upon the termination of the employment of such employee with such employer, whichever first occurs.

(e) Except as provided in paragraph (d), each election approved hereunder shall remain in effect through the close of the calendar year in which it became effective, and thereafter until the close of the calendar quarter in which the electing unit gives written notice of its termination to all affected states.

(f) Whenever an election under this regulation ceases to apply to any employee, the employer shall notify the affected employee accordingly.

(g) When an election has been approved by this Department, and consented to by the interested states, the employer shall:

(1) Promptly notify each affected employee of its approved election on forms to be supplied by this Department; a copy of this notice shall be filed with this agency;

(2) Promptly notify any employee separated from his employment that his services have been covered by the California Unemployment Insurance Act, and inform him of the procedure for filing a benefit claim;

(3) Inform this Department of any change which occurs in the conditions of employment pertinent to its election, such as where an employee's services ceased to be customarily performed in more than one state or where a change in the work assigned to the employee requires him to be covered by another state. (Filed 11-12-46; Effective 11-22-46.)

Article 4. Subject and Exempt Employment

40. Requesting Determination of Status. (a) Employment subject to the act provided it otherwise comes within the definition of the term "employment" as set forth in Section 6.5 of the act is service, including service in interstate commerce performed for wages or under any contract of hire, written or oral, express or implied.

(b) Whenever an employing unit is in doubt as to whether or not an individual is an employee, or is engaged in employment subject to the act, the employing unit shall submit a statement of all relevant facts to the Department for a determination as to the status under the act of such individual or employment. (Added April 1, 1945.)

41. Exempt Employment. (a) Employment subject to the act shall not include those employments excluded under Sections 7, 7.1 and 7.2 thereof and as further defined in these regulations unless an elective

coverage agreement with respect to such employment has been filed with and approved by the Department. (Filed December 28,1945.)

(b) Any employing unit which has established its status as an organization exempt under the act or that certain employment performed for it is not subject to contributions shall immediately notify the Department of any changes in the character of its organization, the purposes and manner of its operation or the changed manner in which employment theretofore determined to be exempt by the Department is performed. (Added April 1, 1945.)

42. **Segregation of Exempt and Nonexempt Employment.** (a) Where employees perform services for an employer in both exempt and nonexempt employments, such employer shall maintain accurate records showing the hours worked by and the wages paid to employees in each of said employments. Such segregation must be made with respect to each individual employee rather than on the basis of the employer's operations as a whole and may be made on a percentage or other basis found by the Department to be reasonable.

(b) If the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment.

(c) As used herein the term "pay period" means a period (of not more than 31 consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him. (Added April 1, 1945.)

43. **Extent of Agricultural Labor Exemption.** Agricultural labor exempted from "employment" by Section 7(a) of the Act includes all services performed:

(a) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting of any agricultural or horticultural commodity; the raising, feeding, and management of livestock, poultry and bees; which includes among others, the spraying, pruning, fumigating, fertilizing, irrigating and heating which may be necessary and incident thereto. (Amended, Effective June 1, 1945)

(b) In the employ of the owner or tenant of a farm on which the materials in their raw or natural state were produced, in connection with the drying, processing, packing, packaging, transporting, and marketing of such materials. (Amended, Effective June 1, 1945)

(c) In the employ of the owner or tenant of a farm with respect to ordinary farming operations in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, if substantially all of such services are performed on a farm. (Amended, Effective June 1, 1945)

(d) The provisions of subsections (b) and (c) are not applicable with respect to the services referred to unless such services are carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations. Nor are the provisions of said subsections applicable to services performed in commercial canning or commercial freezing. (Amended, Effective June 1, 1945)

(e) As used herein, the term "farm" includes, among others, stock, dairy, poultry, fruit and truck farms; plantations, ranches, ranges, nurseries, orchards and vineyards. (Amended, Effective June 1, 1945)

(f) Forestry and lumbering are not included within the exemption of agricultural labor. (Amended, Effective June 1,1945)

44. Extent of Domestic Service Exemption. (a) Domestic service in a private home includes services performed by an employee in or about a private home of an individual or family, which service is of a general household nature, such as is customarily rendered by cooks, maids, butlers, valets, laundresses, furnace-men, gardeners, footmen, grooms, and chauffeurs of automobiles for family use.

(b) Effective with respect to wages paid for services performed on and after January 1, 1940, services above enumerated shall also constitute domestic service if performed in and around premises maintained and occupied for group living purposes by a local college club or local chapter of a college fraternity or sorority.

(c) No service shall be deemed "domestic service" if performed in or about rooming or lodging houses, boarding houses, hotels, commercial offices or establishments, clubs other than local college clubs or fraternity or sorority houses other than premises maintained for group living purposes by a local chapter of a college fraternity or sorority.

45. Extent of Casual Labor Exemption. (a) Casual labor not in the course of the employer's trade or business shall be deemed service performed by an employee for his employer which is occasional, incidental, and occurs irregularly; and which does not promote, advance, or further the trade or business of his employer.

(b) Service shall be "casual" where it is performed during a period of one calendar month or any two successive calendar months if such service is performed in not more than 10 calendar days, and where the total number of hours of work performed by all employees of the employer on the particular job or project does not exceed 200 hours. If an employee performs services for his employer in more than 10 calendar days, the term "casual labor" shall not include any of such services; or if the total hours of work on the particular job or project exceeds 200 hours, the services of all employees on the particular job or project shall not constitute casual labor, irrespective of the length of service of a particular employee, whether or not such services promote or advance the employer's trade or business.

(c) Service shall be deemed "not in the course of the employer's trade or business" only if such service in no way tends toward the

preservation, maintenance or operation of the business, business premises or business property of the employer. "Trade or business" shall include any business or professional undertaking irrespective of its extent without regard to the principal trade or business of the employer.

Article 5. Employees

50. Officers and Directors of Corporations as Employees.

(a) Except as otherwise provided in subsection (e) hereof all officers of a corporation which is subject to the Federal Unemployment Tax Act shall be considered employees in computing the number of persons employed by the corporation. Where officers of such a corporation serve as officers of other corporations which are subject to the Federal Unemployment Tax Act they shall be included in determining the number of persons employed by each corporation. The amount of designation of the remuneration or the fact that no remuneration is paid is immaterial. (Amended, Effective June 1, 1945)

(b) Directors of a corporation which is subject to the Federal Unemployment Tax Act regardless of the amount of services performed or the amount received therefor, shall be considered employees in computing the number of persons employed by the corporation. Directors of a corporation which is not subject to the Federal Unemployment Tax Act shall be considered employees in computing the number of persons employed by the corporation in the event:

(1) The fees received for attending board meetings amount to more than $20.00 per diem, with or without mileage and other incidental expenses incident to attendances at or participation in such meetings; or

(2) Services are performed other than those customarily performed by a director in attending and participating in meetings of the board of directors.

(c) An officer or director of a corporation shall be considered an employee of such corporation during the whole period in which he holds office irrespective of the days on which services may be performed.

(d) As used in this Section, the term "corporation" includes unincorporated associations.

(e) Nothing contained in this Regulation shall be deemed to include as employment services performed by an officer or director of a corporation which is exempt from Federal Income Tax if the remuneration for such service does not exceed $45.00 for a calendar quarter. (Added, Effective June 1, 1945)

51. Identification of Employees. (a) Every employee, regardless of age, performing services subject to the act, shall apply for and obtain a social security number on Federal Form SS-5. Each employee, upon receipt of his social security account card shall inform his employer of the account number assigned to him. The employee account number so assigned, together with his name, shall thereafter be used wherever reference is made to said employee in any letter, report form, claim for benefits, or other communication addressed to the Department.

(d) Pursuant to Section 44(d) of the Act this regulation is retroactive only to the following extent: No assessment of employer contributions will be made against a band leader for any periods prior to January 1, 1947, or of wage-earner contributions for any periods prior to October 1, 1947, in respect to wages paid to musicians under engagements covered by contracts with purchasers of music where (1) the contract contained a provision (such as in the so-called "Form B" contract) reserving the right of direction and control of the leader and the musicians in such purchaser and purporting to make the purchaser the employer of the leader and musicians, and (2) the band leader, in reliance upon previous rulings of the Department that the purchaser of the music under such a contract was the employer, failed to withhold wage-earner contributions and to report and pay employer contributions. No refunds will be made, however, of any contributions paid for any such periods by an independent band leader with respect to the operations of an independent band or orchestra.

History: 1. New section filed 2-19-48 (Register 11, No. 7).

Article 5. Employees

50. Officers and Directors of Corporations as Employees.

(a) Except as otherwise provided in subsection (e) hereof all officers of a corporation which is subject to the Federal Unemployment Tax Act shall be considered employees in computing the number of persons employed by the corporation. Where officers of such a corporation serve as officers of other corporations which are subject to the Federal Unemployment Tax Act they shall be included in determining the number of persons employed by each corporation. The amount of designation of the remuneration or the fact that no remuneration is paid is immaterial.

(b) Directors of a corporation which is subject to the Federal Unemployment Tax Act regardless of the amount of services performed or the amount received therefor, shall be considered employees in computing the number of persons employed by the corporation. Directors of a corporation which is not subject to the Federal Unemployment Tax Act shall be considered employees in computing the number of persons employed by the corporation in the event:

(1) The fees received for attending board meetings amount to more than $20.00 per diem, with or without mileage and other incidental expenses incident to attendances at or participation in such meetings; or

(2) Services are performed other than those customarily performed by a director in attending and participating in meetings of the board of directors.

(c) An officer or director of a corporation shall be considered an employee of such corporation during the whole period in which he holds office irrespective of the days on which services may be performed.

(d) As used in this Section, the term "corporation" includes unincorporated associations.

(e) Nothing contained in this Regulation shall be deemed to include as employment services performed by an officer or director of a corporation which is exempt from Federal Income Tax if the remuneration for such service does not exceed $45.00 for a calendar quarter.

51. Identification of Employees. (a) Every employee, regardless of age, performing services subject to the act, shall apply for and obtain a social security number on Federal Form SS-5. Each employee, upon receipt of his social security account card shall inform his employer of the account number assigned to him. The employee account number so assigned, together with his name, shall thereafter be used wherever reference is made to said employee in any letter, report form, claim for benefits, or other communication addressed to the Department.

TITLE 22. Social Security

Chapter 1. Department of Employment

Chapter 2. Department of Social Welfare

Originally Published April 1, 1945

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(b) Each manufacturer shall submit to the California State Board of Pharmacy a photostatic copy of the trade mark ownership of all prophylactics which they desire registered.

1739. Record of Sales by Wholesale Dealers. Licensed wholesale prophylactic dealers shall keep a record of all prophylactic sales to licensed retailers. These records shall include the retailer's prophylactic license number, together with the quantity of merchandise purchased. These records shall be kept for a period of at least one year.

Article 6. Dangerous Drugs

1744. Penicillin. All preparations of penicillin for internal and/or parenteral use may be sold only upon prescription of a physician, dentist, chiropodist or veterinarian and can be refilled only upon the order of the prescriber; topical applications of pencillin excepted.

Article 7. Fees and Penalties

1749. Penalties. (a) The penalty for the failure to pay the annual renewal fee for a permit to conduct a pharmacy on or before November 1st of each year as provided for in Section 4039 of the Business and Professions Code is two dollars ($2).

(b) The penalty for the failure to pay the annual renewal fee for a registered pharmacist on or before July 1st of each year as provided for in Section 4250 of the Business and Professions Code is two dollars ($2).

(c) The penalty for the failure to pay the annual renewal fee for a retail license to sell prophylactics on or before November 1st of each year as provided for in Section 21224 of the Business and Professions Code is two dollars ($2).

History: 1. Originally published 12-5-47. (Title 16.)
2. Amendment filed 10-1-47. (Register 10, No. 1.)

CHAPTER 6. STATE BOARD OF DRY CLEANERS

Printed December 5, 1946

Article
1. General Provisions
2. Licenses and Certificates of Registration
3. Examinations

Article 1. General Provisions

500. Location of Offices. (a) The principal office of the State Board of Dry Cleaners is located at 520 Business and Professions Building, 1020 N Street, Sacramento 14, California.

(b) Branch offices of the State Board of Dry Cleaners are located as follows:

(1) 209 California Building, 515 Van Ness Avenue, San Francisco 2, California.

(2) 617 Homer Laughlin Building, 315 South Broadway, Los Angeles 13, California.

NOTE—§§ 500 to 525, inclusive, issued under authority contained in Section 9533 of the Business and Professions Code.

501. Tenses, Gender, and Number. For the purpose of the rules and regulations contained in this subchapter, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.

502. Definitions. For the purpose of the rules and regulations contained in this subchapter, the term "Board" means the State Board of Dry Cleaners; and the term "Code" means the Business and Professions Code.

503. Delegation of Certain Functions. The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpenas and subpenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code are hereby delegated to and conferred upon the executive secretary, or, in his absence from the office of the Board, the acting executive secretary.

Article 2. Licenses and Certificates of Registration

507. Forms of Licenses. Pursuant to the provisions of Chapter 18, Division 3 of the Code, the Board shall issue three (3) forms of licenses designated as follows:

(1) Shop License.
(2) Clothes Cleaning Establishment License.
(3) School or College License.

508. Shop License. (a) The Board shall issue a shop license to the owner of each cleaning and dyeing shop or store, or agency thereof, each spotting, sponging, or pressing establishment, or agency thereof, and each agency of a clothes cleaning establishment or cleaning and dyeing establishment upon such owner complying with the law and these rules and regulations.

(b) Shop licenses shall be divided into four (4) classes, and the class of each licensee shall be designated on his license, as follows:

(1) Spotting, Sponging and Pressing Shop.
(2) Agency.
(3) Hat Renovator.
(4) Fur Renovator.

509. Clothes Cleaning Establishment License. The Board shall issue a clothes cleaning establishment license to the owner of each clothes cleaning establishment and cleaning and dyeing establishment who complies with the law and these rules and regulations.

510. School or College License. The Board shall issue a school or college license to the owner of each private school or college of spotting, sponging, or pressing who complies with the law and these rules and regulations.

511. Operator's Registration Certificate. (a) Pursuant to the provisions of Chapter 18, Division 3 of the code, the Board shall issue an operator's registration certificate to any person who complies with the law and these rules and regulations.

(b) Operator's registration certificates shall be divided into ten (10) classes, and the class of each operator shall be designated on his certificate, as follows:

(1) Plant Owner.
(2) Plant Manager.
(3) Shop Owner.
(4) Shop Manager.
(5) Hat Renovator Owner.
(6) Hat Renovator Manager.
(7) Fur Renovator Owner.
(8) Fur Renovator Manager.
(9) School or College Owner.
(10) School or College Manager.

CHAPTER 9. STATE AERONAUTICS COMMISSION

Printed December 13, 1947

Article 1. General Provisions

3500. Definitions. For purposes of these rules and regulations, the definitions set forth in Chapter 1379, Statutes of 1947, shall apply unless the context otherwise requires. The terms "Chairman," "Vice-Chairman," and "Secretary," respectively, mean the Chairman, Vice Chairman, and Secretary of the California Aeronautics Commission.

NOTE—§§3500 to 3508, inclusive, issued under authority contained in Section 3(c) of Chapter 1379, Statutes of 1947.

History: New §§3500 to 3508 filed 12-8-47 as an emergency (Register 10, No. 6).

3501. Tenses, Gender, and Number. For the purpose of these rules, and regulations, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine, and the feminine the masculine; and the singular includes the plural, and the plural the singular.

3502. Location of Offices. The principal office of the Commission shall be in Sacramento. Additional offices may be established elsewhere in the State in the discretion of the Commission.

3503. Regular Meeting. The regular meeting of the California Aeronautics Commission shall be held on the last Monday of each month in the offices of the Commission in Sacramento or at any other established offices of the Commission upon ten days notice to the members of the Commission.

3504. Special Meetings. Special meetings, hearings or proceedings may be called by the Chairman or a majority of the Commission and may be scheduled for any time and place designated to promote public convenience or the convenience of the parties concerned, or to prevent delay or expense.

3505. Executive Meetings. Executive meetings, closed to the public, may be called by the Chairman of the Commission at any time deemed necessary.

3506. Notification. When any special or executive meeting is called each member of the Commission shall be notified at least ten days in advance of the meeting and furnished a summary of matters which will be considered at the meeting. If, because of an emergency, ten days notice cannot be given, the Chairman of the Commission is empowered to call a meeting 48 hours after notice has been given to each Commission member as to the place, time, and purpose of a meeting.

3507. Vice Chairman. In the absence of the Chairman, the Vice Chairman shall act for the Chairman and shall have all the powers and duties of the Chairman while so acting.

3508. Secretary. The Secretary, by affixing his signature thereon, shall certify that all reports, decisions, and other documents issued under

authority of the Commission are true and correct representations of Commission action. The Secretary is authorized upon approval of the Commission to delegate to any employee of the Commission his authority to certify to the truth and correctness of documents representing Commission action.

3236. A livestock scale is a scale having a capacity of 6000 pounds or more and used primarily for the weighing of livestock on the hoof.*†

3237. A coal mine or tipple scale is a scale used primarily for weighing lots of coal mined by an individual miner and weighed for the purpose of determining the wages to be paid to the miner. (1939) *†

General Specifications

3238. Application. General specifications shall apply to all types and classes of commercial scales, and to other types and classes required to be examined by weights and measures officials, except in so far as these may hereinafter be modified by specific requirements for particular types and classes; they shall also be constructed to apply to other apparatus, such as that used for special purposes, whenever and insofar as they are clearly applicable.

Specifications

(a) **Capacity Marking.** *The nominal capacity shall be conspicuously, clearly, and permanently marked on every scale equipped with unit weights or with which removable weights are intended to be used.*†

Strength, Permanency, Maintenance of Accuracy

3239. (a) **General.** A scale shall be of such design, construction, and materials that it will support a load of its full nominal capacity without the development of undue stresses or deflections in the parts, and that it may be expected to withstand normal usage without undue impairment of its accuracy or the correct functioning of its operating or indicating parts; it shall be reasonably permanent in its adjustment and shall repeat its weight indications correctly.

(b) **Level-Indicating Device.** *Any scale which is portable and which is designed for use upon a counter or table, and any person weigher, whose weight indications are changed by an amount greater than one-half the tolerance allowed, when set in any position on a surface making an angle of 5 per cent or approximately 3° with the horizontal, shall be equipped with a device which will indicate when the scale is level, and in no case shall any pendulum operating the scale be considered a leveling device. The scale shall be rebalanced at zero each time its position is altered during the test contemplated by this subsection.*

(c) **Stability of Balance Condition.** When the weighbeam or indicator of a scale is displaced from a position of equilibrium to the full extent allowed by the construction of the scale, it shall return to this position after release. When a scale is equipped with a locking device or a relieving device or unit weights, repeated operation of the locking or relieving device or repeated application or removal of unit weights shall not materially affect the balance condition of the scale.

(d) **Interchange or Reversal of Parts.** Scale parts which may readily be interchanged or reversed in the course of normal usage shall be so constructed that their interchange or reversal will not materially

*† For statutory and source citations, see note to §2875.

affect the balance condition or the accuracy of the scale. *Scale parts which are susceptible of interchange or reversal in normal field assembly either shall be so constructed that their interchange or reversal will not materially affect the accuracy of the scale or the parts shall be so marked as to indicate proper positions.*

(e) **Movement of Knife-edges.** Under all operating conditions, proper lines of contact between knife-edges and their opposing bearings shall be maintained or restored. Platform scales having an outside frame around the platform shall be equipped with means which will prevent interference between platform and frame.

(f) **Antifriction Elements.** *At all points at which a live part of the scale mechanism may come into contact with another part of the mechanism in the course of normal usage, frictional effects shall be reduced to a minimum through the agency of suitable antifriction elements; opposing surfaces and points shall be properly shaped, finished, and hardened to accomplish the result required.**†

3240. Balancing Means. A scale shall be provided with a mechanical device or other means by which the balance condition may be adjusted. All loose material used for the balancing of a scale shall be securely enclosed.*†

3241. Device for Adjusting Balance or Level. *All mechanical devices for adjusting the balance condition or the level of scales except cream-test scales and prescription scales, shall be of such construction that they are operable or accessible only by the use of some tool or device which is outside of and entirely separate from the device in question, such as a screw driver, wrench, etc., but not an adjusting pin.**† (Filed 4-24-47; Effective 4-24-47)

Pivots

3242. (a) **Positioning.** Pivots shall be firmly secured in or to the levers.

(b) **Material and Design.** *Pivots shall be of hardened steel except that agate may be used for prescription scales. Knife-edges shall be sharp and shall bear throughout the entire length designed to be in contact with the opposing bearing.*

(c) **Bearings.** *The entire surface of a bearing which is designed to be in contact with a knife-edge or point pivot shall be smooth and at least as hard as the opposing knife-edge or pivot point. For scales of 5000 pounds capacity or more such bearings shall be made of hardened steel.**†

3243. Nose-Iron. *The proper position of a nose-iron as determined by the factory adjustment, shall be clearly, accurately, and permanently indicated.**†

Weighbeams

3244. (a) **Position.** The normal position of a weighbeam shall be horizontal, and it shall have equal travel above and below this position: Provided, however, that this requirement shall not apply to automatic-indicating scales.

*† For statutory and source citations, see note to §2875.

Article 5. Hair Regulations

1156. "**Hair**" is the coarse filamentous epidermal outgrowth of such mammals as horses, cattle, hogs and goats. When used in the manufacture of upholstered furniture, bedding or filling material, it shall be clean, properly cured, free from epidermis, excreta or foreign or objectionable substances or odors.*†

1157. Classification of Hair. Hair shall be classified and labeled as follows:

HORSE TAIL HAIR
HORSE MAIN HAIR
CATTLE TAIL HAIR
CATTLE HIDE HAIR
HOG HAIR
GOAT HAIR*†

1158. (a) "**Secondhand hair**" is hair which has sustained prior use and such hair shall be so designated on the red label together with the proper classification of such secondhand hair.

(b) Secondhand hair which is filthy or stained, or has a disagreeable odor, or is otherwise contaminated, shall not be used in the manufacture, repair or renovation of articles of upholstered furniture, bedding or filling material unless it is first sterilized by the "wet method" of sterilization and is free from such filth, stains, disagreeable odors or other contamination.*†

1159. Hair Mixtures. When hair of different origins is used in a blend, the kind and percentage by weight of each shall be stated on the label. The percentage indicated on the label for the costlier component shall be the minimum percentage of that component in the blend. When more than two kinds of hair are used in a blend, the percentages indicated on the label for the two costliest components shall be the minimum percentage of those components in the blend. Hair labeled 100% of any given origin shall contain no admixtures of any kind.*†

1160. Hair and Fiber Mixtures. When any other material of whatever origin is used in a mixture or blend with hair, the kind and percentage by weight of each such material shall be designated on the label. The percentage indicated on the label for the costlier component shall be the minimum percentage of that component in the blend. When more than two kinds of material are used in a blend the percentages indicated on the label for the two costliest components shall be the minimum percentages of those components in the blend.*†

1161. (a) **Color of Hair.** Hair may be identified as to color, and if so described on the label, it shall be as represented in all respects.

(b) **Dyed Hair.** Hair that is dyed or bleached shall be indicated on the label as "Dyed" or "Bleached."*†

1162. (a) **Curled Hair.** When any hair set forth in Section 1157 of these Regulations has been curled, the appropriate designation shall appear on the label preceded by the word "Curled."

*† For statutory citation, see note to §1100.

(b) **Uncurled Hair.** When any hair has not passed through a curling process the appropriate designation shall appear on the label preceded by the word "Uncurled."

Labeling Examples:

Curled gray horse tail hair 100%
Curled cattle tail hair 100%
White curled cattle tail hair (must be all white) 100%
Curled hog hair 15%
Curled cattle tail hair 85% } 100%
Curled cattle tail hair 10%
Curled hog hair 80%
Uncurled hog hair 10% } 100%
Curled cattle tail hair 10%
Curled hog hair 80%
Cattle hide hair 10% } 100%
(Curled Hair and Fiber Mixture:)
Curled hog hair 85%
Curled sisal fiber 15% } 100%

*†

1163. "Hair pad" is hair interwoven, or punched on burlap or any other woven material or otherwise fabricated into a pad, including the application of latex or synthetic rubber as a component and as a factor in the molding process. When rubber is used, the designation on the label shall state whether the rubber is natural "latex" or "synthetic rubber." The kind, grade and percentage of each kind of material in the pad shall be stated. No reference to or inclusion of the muslin or burlap backing is required on the label. The quantity or percentage of rubber need not be stated on the label when the rubber is used solely as a binder element. Percentages shall be based on the hair and fiber content only.

Labeling Examples:

Curled hair pad { Cattle 15% / Hog 85% } 100%
Curled hair and fiber pad { Hog 85% / Sisal fiber 15% } 100%
Latex rubberized curled hair pad { Horse mane 35% / Hog 65% } 100%
Cattle hide hair pad 100%

NOTE: "Pads." Any pad used as an insulator over the springs of innerspring mattresses made of sisal fiber, curled hair or any other material is assumed to cover the entire top and bottom surfaces of the mattress. If a pad smaller than the size of the mattress is used, the size of the pad must be stated on the label.*†

*† For statutory citation, see note to §1100.

CHAPTER 3. BUREAU OF FURNITURE AND BEDDING INSPECTION

Printed March 22, 1945

Revision Filed September 18, 1947

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Hay.
Jute Fiber.
Jute Tow.
Jute Waste.
Kapok.
Latex.
Manila Fiber.
Manila Fiber Waste.
Manila Fiber Shoddy.
Milkweed Fiber.
Moss.
Nylon.
Nylon Waste.
Pads.
Palm Fiber.
Peanut Fiber.
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Rabbit Fur.
Rayon.
Rayon Waste.
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Shredded Synthetic Foam Rubber.
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Sisal Fiber Waste.
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Article 1. General Provisions

1100. Location of Offices. The principal office of the Bureau of Furniture and Bedding Inspection is located at 519 Business and Professions Building, 1020 N Street, Sacramento 14, California, and branch offices of the Bureau are located as follows:

(a) 515 Van Ness Ave., San Francisco 2, California.

(b) 901 Southwestern University Building, 1121 South Hill St., Los Angeles 15, California.

NOTE.—§§1100 to 1218, inclusive, issued under authority contained in Sections 19034 and 19157 of the Business and Professions Code.

1101. Correspondence. All general correspondence shall be directed to the principal office of the Bureau at Sacramento.

1102. Tenses, Gender, and Number. For the purpose of the Rules and Regulations contained in this chapter, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.

1103. Definitions. For the purpose of the Rules and Regulations contained in this chapter, the term "Bureau" means the Bureau of Furniture and Bedding Inspection; and the term "Act" means Chapter 3 of Division 8 of the Business and Professions Code which chapter is also cited as the Furniture and Bedding Inspection Act.

Article 2. Labels for Furniture and Bedding

1108. Fabric and Color of Labels for Newly Manufactured Upholstered Furniture and Bedding. (a) Labels headed "All New Material" shall be printed in black ink on white fabric of good quality which will not flake when abraded.

(b) Labels headed "Secondhand Material" shall be printed in black ink on red fabric of good quality which will not flake when abraded.

(c) Cloth backed paper labels will not be approved.

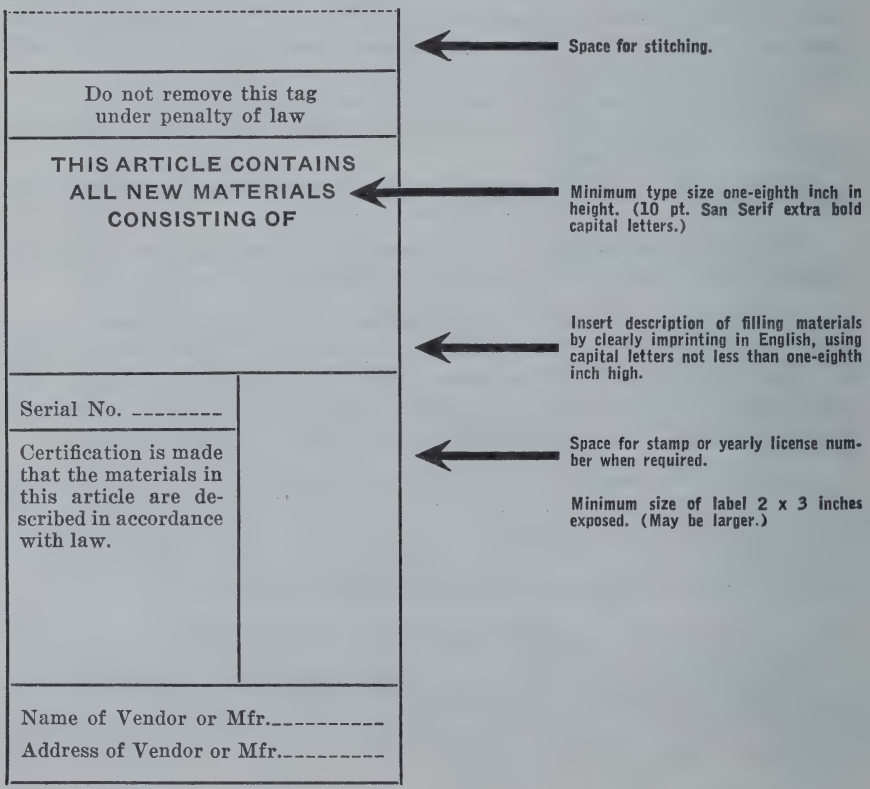
1109. Attachment of Labels. (a) All labels shall be securely attached in a position so that they may be conveniently examined.

(b) Chairs, davenports, chaise lounges, studio couches and other seating pieces having loose cushions shall have the labels attached under the cushion on top and in the center of the front edge of the platform. Seating pieces without loose cushions shall have labels attached at the front under the seat rail.

(c) Labels shall be attached by the lower edge of the label to furniture with loose cushions and the upper edge of the label to furniture without loose cushions and to bedding.

1110. Forms of Labels for Newly Manufactured Furniture and Bedding. (a) The labels for upholstered furniture and bedding shall be in substantially the following forms appropriately adapted to show the information required by Article 5 of the Act and these Regulations:

Type No. 1: For seat cushions, decorative or boudoir cushions, occasional chairs without loose cushions, cloth bottom slip seat chairs and benches and similar items.



Article 8. Wool Regulation

FOREWORD: The terms and definitions as employed herein, relate only to the furniture and bedding industry. The terminology is in no way associated with the manufacture of fabrics or worsteds, and must not be considered as standards for such materials.

1202. **"Virgin Wool"** is hereby defined as the fiber from the fleece of the sheep or lamb, which has been scoured or scoured and carbonized. It shall not be the by-product of any process of manufacture nor shall it have sustained prior use. It shall be sterile and free from kemp, vegetable matter, excreta, or any other foreign substance.*†

1203. **"Virgin Wool"** shall be classified as follows:

(a) Choice Virgin Wool

(b) Superior Virgin Wool

(c) Standard Virgin Wool.*†

1204. **"Choice Virgin Wool"** is hereby defined as "¼ blood," (48s or finer in grade) according to the United States standards for grades of wool, and shall be natural or bleached white in color. It shall not contain any wool classed as a lower grade by this Regulation and the fibers shall be reasonably uniform in length.*†

1205. **"Superior Virgin Wool"** is hereby defined as "¼ blood," (48s or finer in grade) according to the United States standards for grades of wool, and may be white or light gray in color and may include light stained wool. It shall not contain any wool classed as of a lower grade by this Regulation, and the fibers shall be reasonably uniform in length.*†

1206. **"Standard Virgin Wool"** shall include all virgin wool lower in grade than "¼ blood," (48s or finer in grade), and may include stained or natural gray wools. It shall not contain any wool classed as of a lower grade by this Regulation, and the fibers shall be reasonably uniform in length.*†

1207. **"Wool Noil"** is hereby defined as the by-product of worsted manufacture during the combing process.*†

1208. **"Wool Waste"** shall embrace all by-products and wastes of machines through which the natural raw wool passes in any process of manufacture, and, for the purpose of this Regulation, shall include "wool pills," "tanners wool," "shank and tag wools," and white undyed "napper" and "fulling flocks," but shall not include shoddy. It shall be free from refuse, dirt, contamination or excreta.*†

1209. **White All New Material Label.** A white "All New Material" label may be used on all materials defined in Sections 1202 to 1208 inclusive.*†

1210. **"Wool Shoddy"** is hereby defined as the product of either new or used defabricated wool fabrics, thread and yarn, and shall include dyed or stripped fibers, "napper" or "fulling flocks." A tolerance of 5 per cent fibers other than wool shall be allowed.*†

*† For statutory and source citations, see note to §1100 and §1151.

1211. "Secondhand Wool" is hereby defined as wool which has sustained prior use by the ultimate consumer. If secondhand wool is used, or intended to be used in the manufacture, repair or renovation of articles of upholstered furniture, bedding or filling material, it shall be free from filth, stains, disagreeable odor or other contamination.*†

1212. Secondhand Wool Sterilization. Secondhand wool which is filthy or stained or has a disagreeable odor, or is otherwise contaminated, is unfit for use, and shall not be used in the manufacture, repair or renovation of any article of upholstered furniture, bedding or filling material, unless such material is first sterilized by the "Wet Method" of sterilization. (See Sterilization Regulations, Sections 1182 to 1189.)*†

1213. Blend Label. When two or more grades of wool are used in a blend, the percentage of each grade shall be stated on the label.*†

1214. Quantity of Different Material Stated on Label. When two or more materials of different origin are used, the quantities of each material used, expressed in terms of percentage, shall be stated on the label.*†

1215. Red Label on Secondhand Material. The red "Secondhand Material" label shall be used on any or all types of filling materials, and on all articles of upholstered furniture and bedding containing in whole or in part any or all types of secondhand materials set forth in Sections 1210, 1211 and 1212 of this Regulation.*† (See note to Section 1154)

1216. Tolerances:

(a) The maximum tolerance allowed for oil, wool grease and other free fat shall be that specified by the American Society for Testing Materials for scoured wools. (A. S. T. M. Designation D232.) These tolerances are 1 per cent for fine wools (64s and finer) and 1½ per cent for medium and coarse wools.

(b) Burrs, stickers, seeds, shives, sticks, leaves and any other vegetable matter shall not exceed 2 per cent by weight, of the wool, whether such wool is used singly or in a blend.

(c) Wool used singly or in a blend shall not contain fibers of any other origin in excess of 2 per cent, provided, however, that this tolerance shall not apply to Section 1210 hereof.*†

1217. Secondhand Wool Sterilization. Secondhand wool and any article of upholstered furniture, bedding or filling material containing any secondhand wool, shall be sterilized in compliance with specific provisions in this Regulation and Article 6 of the Furniture and Bedding Inspection Act.*†

1218. Damaged Wool. Wool, although new, which has been damaged through excessive exposure to the elements, faulty storage, fire, or in any other manner, or has a foreign or disagreeable odor, or has begun to disintegrate, shall be designated on the label as "Damaged," "Reclaimed," "Waste" or any other proper designation. If the condition of the material warrants, a white "All New Material" label may be used.*†

*† For statutory and source citations, see note to §1100 and §1151.

Article 9. Wool Regulation—Addenda

1223. For those who wish to avail themselves of the advantage of more explicit and informative labeling; and for those who wish to cooperate in promoting more intelligent consumer purchasing, the following permissive addition to the Wool Regulation is promulgated.

The following terms may be printed on the labels, in the immediate proximity to the fiber declaration:

(a) **"Choice Virgin Wool."** There are 3 grades of virgin wool; this is the best grade. (See §1204)

(b) **"Superior Virgin Wool."** There are 3 grades of virgin wool; this is the medium grade. (See §1205)

(c) **"Standard Virgin Wool."** There are 3 grades of virgin wool; this is the lowest grade. (See §1206)

(d) Where the product to which a label applies is composed wholly of wool fiber, allowing only the tolerances provided in this Wool Regulation, the words "ALL WOOL" may be placed immediately above the declaration of fiber content, in the same style and size type as used in the declaration. (See sample label below)

Sew this edge to article.
(Do not detach or deface.)

ALL NEW MATERIAL

ALL WOOL
Classified as:

STANDARD VIRGIN WOOL_____50%
WOOL WASTE _____50%

Size_____Net wt._____lbs.

Serial No.	Style No.	Cover No.

This label is attached as required by law as a certification that this article is as represented.

MADE EXPRESSLY FOR

Manufactured by:

This is a sample label used for purposes of illustration only.

*† For statutory and source citations, see note to §1100 and §1151.

Article 10. Miscellaneous Regulations

1228. (a) (1) **Casein Fiber** is hereby defined as the textile filament or fiber made from casein by chemical and mechanical processes.

(a) (2) **Casein Fiber Waste** is hereby defined as the by-product of any preparing or spinning machinery through which the filaments or fibers pass in any operation prior to the weaving process and shall include white undyed "**Napper**" and "**Fulling Flocks,**" but shall not include shoddy.

(b) **Coco Fiber** is hereby defined as the fibrous growth obtained from the husk of the coconut, and shall be designated on the label as "**Coco Fiber.**"

(c) **Excelsior** is hereby defined as the curled shreds of any wood, and shall be designated on the label as "**Excelsior.**"

(d) **Flax Tow** is hereby defined as the coarse, broken and refuse parts of flax separated from the fine fibrous parts in preparing the fibers for spinning.

(e) (1) **Jute Fiber** is hereby defined as the bast fiber derived from any species of the corchorus plant.

(e) (2) **Jute Tow** is hereby defined as the coarse, broken and refuse parts of jute separated from the fine fibrous parts in preparing the fibers for spinning.

(e) (3) **Jute Waste** is hereby defined as the by-product of any machines through which jute fiber passes in spinning into yarn or cordage but prior to the process of weaving bagging or other fabric.

(f) **Kapok** is hereby defined as the mass of silky fibers investing the seed of the silk-cotton tree, or kapok tree (Ceiba pentandra), and shall be designated on the label as "**Kapok.**" Any term descriptive of the geographical origin or of the quality of such fibers, shall be truthfully set forth upon the label.

(g) (1) **Manila Fiber** is hereby defined as the leaf fiber derived from the "Abaca" plant.

(g) (2) **Manila Fiber Shoddy** is hereby defined as any manila fiber of which prior use has been made, and shall include shoddy made of either new or used defabricated yarn, cordage, rope, bagging or other fabric.

(h) **Milkweed Fiber** is hereby defined as the surface fiber from the seed pods of milkweed plants (Asclepias). It shall be designated on the label as "**Milkweed Fiber.**"

(i) **Moss** is hereby defined as the processed fibers of an epiphytic plant forming pendent tufts from the trunks and branches of live oak and other trees growing in the southeastern part of the United States and the West Indies. It shall be designated on the label as "**Moss.**"

(j) (1) **Nylon** is hereby defined as a synthetic protein-like textile filament or fiber (Polyamide).

(j) (2) **Nylon Waste** is hereby defined as the by-product of any preparing or spinning machinery through which the filaments or fibers pass in any operation prior to the weaving process.

(k) **Palm Fiber** is hereby defined as the fibrous material obtained from the leaf of a palm, palmetto, or palmyra tree, and when used subject to this act shall be designated on the label as "**Palm Fiber.**"

*† For statutory and source citations, see note to §1100 and §1151.

(l) (1) **Rayon** is hereby defined as the textile filament or fiber made from modified cellulose by chemical and mechanical processes.

(l) (2) **Rayon Waste** is hereby defined as the by-product of any preparing or spinning machinery through which the filaments or fibers pass in any operation prior to the weaving process and shall include white undyed **"Napper"** or **"Fulling Flocks,"** but shall not include shoddy.

(m) (1) **Redwood Fiber.** There shall be two grades of **"Redwood Fiber"** as hereinafter defined. In subsection (2) hereof, there shall be no tolerance allowed for qualities of **Redwood Fiber** lower in grade than that set forth in said section.

(m) (2) **Choice Redwood Fiber** is hereby defined as the shredded bast fibers of the bark of the California Redwood tree (Sequoia sempervirens), lying between the cambium layer and epidermis and reduced to substantially individual fibers freed of fiber clusters or bundles, bark or wood bits, amorphous binder and cork cells.

(m) (3) **Coarse Redwood Fiber** is hereby defined as the shredded bark of the California Redwood tree (Sequoia sempervirens) and includes the fiber from the cambium layer, fiber clusters or bundles, bark or wood bits, amorphous binder and cork cells.

(n) (1) **Silk** is hereby defined as the fiber produced by the larvae of the silkworm, and shall be designated on the label as **"Silk."**

(n) (2) **Silk Waste** is hereby defined as the by-product of any preparing or spinning machinery through which the filaments or fibers pass in any operation prior to the weaving process and shall include white undyed **"Napper"** or **"Fulling Flocks,"** but shall not include shoddy.

(o) **Sisal Fiber** is hereby defined as the leaf fiber derived from the **"Agave sisalana"** and similar species of agaves.

(p) **Tula Fiber** is hereby defined as the leaf fiber derived from the "Tula Istle" and similar species of agaves.

(q) **Shoddy.** Any fibers as described in Section 19008 of the Code shall be identified on the **Red Secondhand Material** Label.

(r) **Comforter Size.** Measurements of comforters shall be taken along the sides and ends with the fabric fully extended without distortion. Where appearance indicates that an edge seam has not been sewed straight, measurements shall be taken through other portions of the comforter, but in a line at right angles to the edge from which measurement is taken. Measurements shall be taken in such a manner that the full length and breadth of the fabric, exclusive of seams, shall be accounted for in the dimensions. A comforter, when finished shall be within two inches of the cut size length and two and one-half inches of the cut size width as shown on the label.

(s) **Pads.** Any pad used as an insulator over the springs of innerspring mattresses, made of sisal fiber, curled hair, or any other material is assumed to cover the entire top and bottom surfaces of the mattress. If a pad smaller than the size of the mattress is used, the size of the pad must be stated on the label.*†

*† For statutory and source citations, see note to §1100 and §1151.

CALIFORNIA ADMINISTRATIVE CODE

(Title 4) Bureau of Furniture and Bedding Inspection

Cross Reference Table No. 1 indicates the origin of each section of the code. Cross Reference Table No. 2 indicates the disposition in the code of the Regulations issued by said Bureau.

Cross Reference Table No. 1

Origin of California Administrative Code

California Administrative Code Section	*Origin Bureau of Furniture and Bedding Inspection Regulations Bulletin No. 4 Article*	
1100 and 1100(a)	1	Cotton Regulation
1100(b)	1.1	Cotton Regulation Amendment No. 1
1101	2	Cotton Regulation
1102	3	" "
1103	4	" "
1104	5	" "
1105	6	" "
1106	7	" "
1107	8	" "
1108	9	" "
1109	10	" "
1110	11	" "
1111	12	" "
1112	13	" "
1117		Cotton Regulation—Addenda
1122	1	Feather and Down Regulation
1123	2	" " " "
1124	3	" " " "
1125	4	" " " "
1126	5	" " " "
1127	6	" " " "
1128	7	" " " "
1129	7a	" " " "
1130	8	" " " "
1131	9	" " " "
1132	10	" " " "
1133	11	" " " "
1134	12	" " " "
1135	13	" " " "
1136 and 1137		Letter dated 4-15-42 to the Feather and Down Industry
1140	1	Hair Regulation
1141	2	" "
1142	3	" "
1143	4	" "
1144	5	" "
1145	6	" "
1146	7	" "
1151		Upholstered Furniture Labels
1152		Labels Suggested for Upholstered Furniture with Loose Cushions
1153		Foreign Furniture Labels

Cross Reference Table No. 1—Continued

Origin of California Administrative Code—Continued

California Administrative Code Section	*Origin Bureau of Furniture and Bedding Inspection Regulations Bulletin No. 4 Article*	
1154		Secondhand Material Label
Note		Official Ruling No. 13
1155		Emergency Modifications—Official Ruling No. 12
1156		Owner's Material Label Bulletin No. 4
1157		Mattress, Pillow, etc., Filling Material Label
1158		Comforter and Pillow Label
1159		Mattress and Mattress Pad Label
1160		Secondhand Filling Material Label
1161		Owner's Material Label
1162		Sterlization Label
1182	1	Sterilization Regulation
1183	2	" "
1184	3	" "
1185	4	" "
1186	5	" "
1187	6	" "
1188	7	" "
1189	8	" "
1190		Sterlization Regulation—Addenda
1193	1	Supply Dealer Regulation
1194	2	" " "
1195	3	" " "
1196	4	" " "
1197	5	" " "
1202	1	Wool Regulation
1203	2	" "
1204	3	" "
1205	4	" "
1206	5	" "
1207	6	" "
1208	7	" "
1209	8	" "
1210	9	" "
1211	10	" "
1212	11	" "
1213	12	" "
1214	13	" "
1215	14	" "
1216	15	" "
1217	16	" "
1218	17	" "
1223		Wool Regulation—Addenda
1228		Miscellaneous Regulations

Cross Reference Table No. 2

Disposition of former sections of the said Regulations in the California Administrative Code

Bureau of Furniture and Bedding Inspection Regulations Bulletin No. 4	*Article*	*California Administrative Code Section*
Cotton Regulation	1	1100 and 1100(a)
Cotton Regulation Amendment No. 1	1.1	1100(b)
Cotton Regulation	2	1101
" "	3	1102
" "	4	1103
" "	5	1104
" "	6	1105
" "	7	1106
" "	8	1107
" "	9	1108
" "	10	1109
" "	11	1110
" "	12	1111
" "	13	1112
Cotton Regulation—Addenda		1117
Feather and Down Regulation	1	1122
" " " "	2	1123
" " " "	3	1124
" " " "	4	1125
" " " "	5	1126
" " " "	6	1127
" " " "	7	1128
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Letter dated 4-15-42 to the Feather and Down Industry		1136 and 1137
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Official Ruling No. 13		Note
Emergency Modification—Official Ruling No. 12		1155
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Comforter and Pillow Label		1158
Mattress and Mattress Pad Label		1159
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Owner's Material Label		1161

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Supply Dealer Regulation	1	1193
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" " "	3	1195
" " "	4	1196
" " "	5	1197
Wool Regulation	1	1202
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" "	3	1204
" "	4	1205
" "	5	1206
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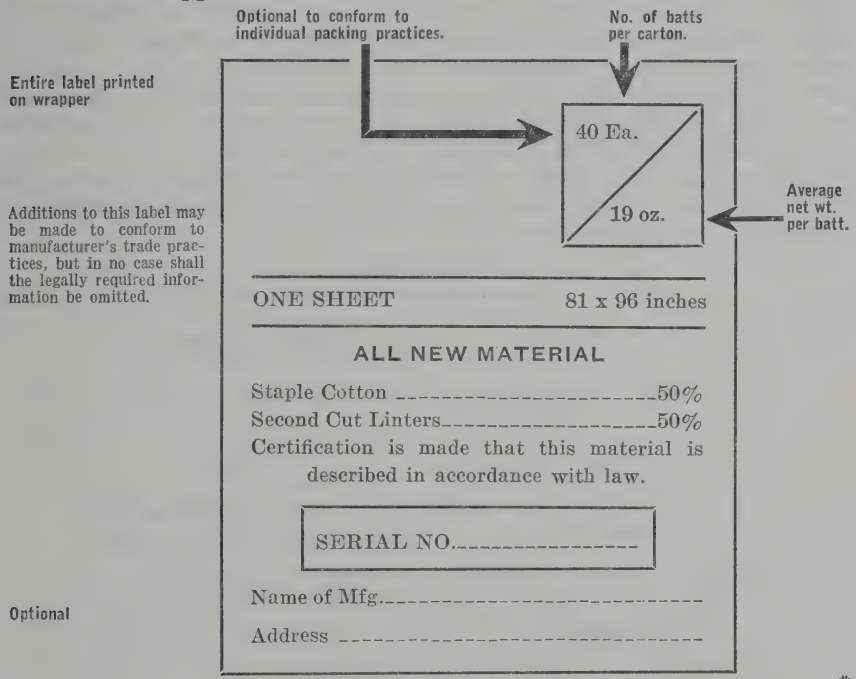
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Article 9. Supply Dealer Regulations

1201. Labels. All filling materials must be labeled in compliance with Article 5 of the act and these Regulations.*†

1202. Batts. Labels, paper sleeves, cartons, wrappers or containers of any kind for individual cotton or wool batts, or batts made of any other material or combination of materials, concealed or not concealed, shall state whether the material is new or secondhand and show the grades and percentages of filling materials used, and the statement: "The manufacturer certifies this article complies with the law"; the size in length and breadth expressed in inches preceded by the statement that the batt is "One Sheet," printed or stamped not smaller than one-eighth inch high condensed Gothic type the average net avoirdupois weight, expressed in ounces (maximum deviation from stated net weight shall be plus or minus one ounce per pound of batt material); and the serial number of the manufacturer or supply dealer. The label shall not be smaller than six square inches in area.

Batt Wrapper Label:



*†

1203. "Batting" made of any material or combination of materials, for use in upholstered furniture or bedding shall be labeled or stenciled as set forth in the appropriate filling material regulations. Labels or stencils shall show avoirdupois weight per yard of batting in ounces; width of batting in inches and kinds and grades of materials used and percentages of each together with the serial number of the manufacturer or supply dealer.

*† For statutory citation, see note to §1100.

(FACSIMILE OF BATTING STENCIL)

ALL NEW MATERIAL

Cotton Batt { 10% Staple / 90% Mill Run Linters

Width:_____ Wt. per Yd.:_____

SERIAL NO._____

(FACSIMILE OF BATTING LABEL)

(Do not detach or deface)

ALL NEW MATERIAL

_____%

_____%

Width:_____ Wt. per Yd.:_____

Certification is made that this material is described in accordance with law.

SERIAL NO._____

Optional

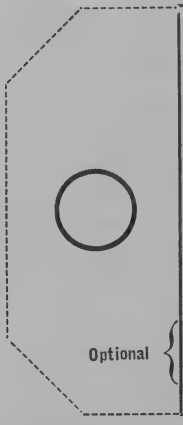
Name: _____

Address: _____

*†

1204. "Pads" whether punched, interlaced, garnetted or felted and made of any materials for use in upholstered furniture or bedding shall be tagged or labeled showing width and length in inches, avoirdupois weight per pad and kinds and grades of materials used and percentages of each, together with the serial number of the manufacturer or supply dealer. Punched pads having muslin or burlap back shall show the required information without reference to or inclusion of the backing or binder element. Rubberized pads or those using binders having a similar effect, likewise need not show the percentage of rubber or other binder element, when the rubber or other material is used solely as a binder element.

PAD LABEL



ALL NEW MATERIAL

_____%

_____%

Net Wt.:_____ Size:_____

Certification is made that this material is described in accordance with law.

SERIAL NUMBER:_____

Optional

Name: _____

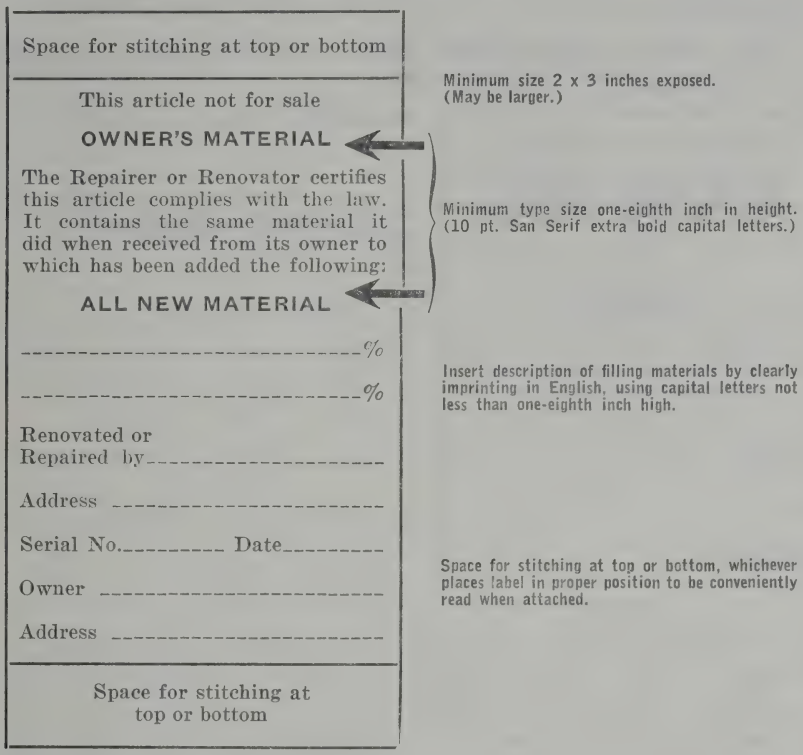
Address: _____

*†

1205. Bulk Materials. All filling materials sold in bulk or packages and intended for use in the manufacture of upholstered furniture or bedding, shall be tagged or labeled in accordance with the regulations covering the labeling of each kind of filling material; shall show the net avoirdupois weight; the kinds and grades of materials used with the percentage of each, together with the serial number of the manufacturer or the supply dealer.

*† For statutory citation, see note to §1100.

1112. Form of "Owner's Material" Label. The upholstered furniture repairer and mattress renovator "Owner's Material" label shall be in substantially the following form:



*† For statutory citation, see note to §1100.

1113. Sterilization Label. The sterilization label shall be printed in black ink on yellow paper of a quality which is erasure proof and will not change color on application of adhesive or when subjected to fumigating gases.*†

1114. Form of Sterilization Label. The sterilization label shall be in substantially the following form:

The Sterilizer Certifies this

SECONDHAND ARTICLE

has been

STERILIZED

By a process approved pursuant to Article 6 of the Furniture and Bedding Inspection Act

Lot No._____ Label No._____

Article:

With:

Sterilized for:

Date:

Name of Sterilizing Plant:

Address:

Serial No.:

Minimum size 3 x 3 inches.

The words "Secondhand Article" and "Sterilized" shall be in 24 pt. condensed Gothic Type.

*†

*† For statutory citation, see note to §1100.

CHAPTER 3. BUREAU OF FURNITURE AND BEDDING INSPECTION

Article
1. General Provisions.
2. Labels for Furniture and Bedding.
3. Cotton Regulations.
4. Feather and Down Regulations.
5. Hair Regulations.
6. Wool Regulations.
7. Miscellaneous Filling Material Regulations.
8. Comforter and Pad Regulations.
9. Supply Dealer Regulations.
10. Sterilization Regulations.

Article 1. General Provisions

1100. Location of Offices. The principal office of the Bureau of Furniture and Bedding Inspection is located at 519 Business and Professions Building, 1020 N Street, Sacramento 14, California, and branch offices of the Bureau are located as follows:

(a) 515 Van Ness Ave., San Francisco 2, California.

(b) 901 Southwestern University Building, 1121 South Hill St., Los Angeles 15, California.

NOTE.—§§1100 to 1218, inclusive, issued under authority contained in Sections 19034 and 19157 of the Business and Professions Code.

1101. Correspondence. All general correspondence shall be directed to the principal office of the Bureau at Sacramento.*†

1102. Tenses, Gender, and Number. For the purpose of the Rules and Regulations contained in this subchapter, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.*†

1103. Definitions. For the purpose of the Rules and Regulations contained in this subchapter, the term "Bureau" means the Bureau of Furniture and Bedding Inspection; and the term "Act" means Chapter 3 of Division 8 of the Business and Professions Code which chapter is also cited as the Furniture and Bedding Inspection Act.*†

Article 2. Labels for Furniture and Bedding

1108. Fabric and Color of Labels for Newly Manufactured Furniture and Bedding. (a) Labels headed "All New Material" shall be printed in black ink on white fabric of good quality which will not flake when abraded.

(b) Labels headed "Secondhand Material" shall be printed in black ink on red fabric of good quality which will not flake when abraded.

(c) Cloth backed paper labels will not be approved.*†

1109. Attachment of Labels. (a) All labels shall be securely attached in a position so that they may be conveniently examined.

(b) Chairs, davenports, chaise lounges, studio couches and other seating pieces having loose cushions shall have the labels attached under

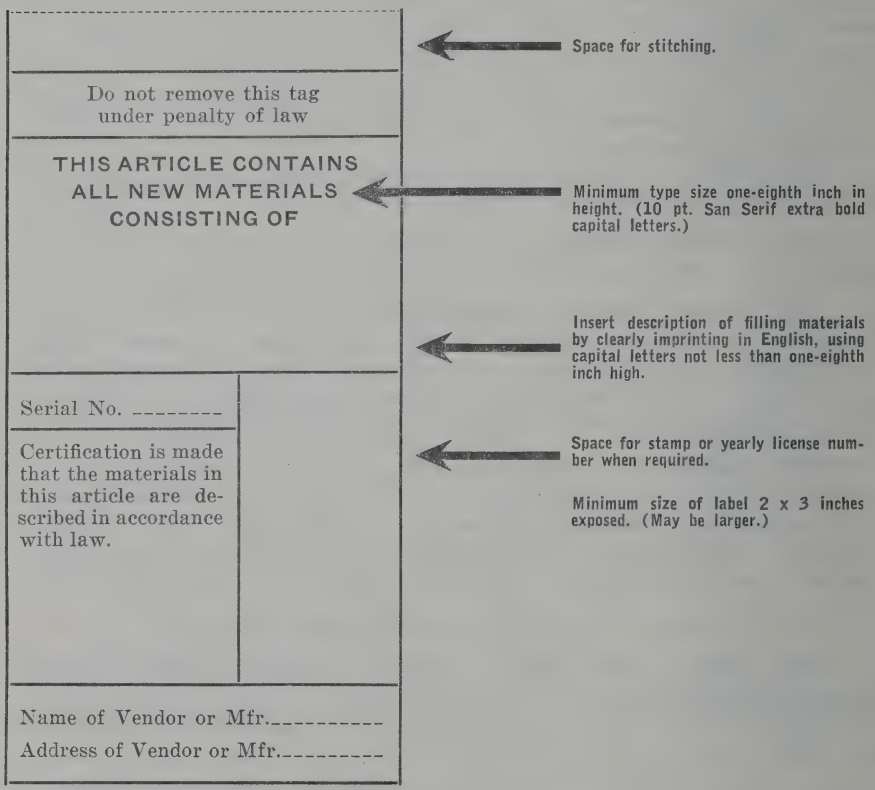
*† For statutory citation, see note to §1100.

the cushion on top and in the center of the front edge of the platform. Seating pieces without loose cushions shall have labels attached at the front under the seat rail.

(c) Labels shall be attached by the lower edge of the label to furniture with loose cushions and the upper edge of the label to furniture without loose cushions and to bedding.*†

1110. Forms of Labels for Newly Manufactured Furniture and Bedding. (a) The labels for upholstered furniture and bedding shall be in substantially the following forms appropriately adapted to show the information required by Article 5 of the Act and these Regulations:

Type No. 1: For seat cushions, decorative or boudoir cushions, occasional chairs without loose cushions, cloth bottom slip seat chairs and benches and similar items.



*† For statutory citation, see note to §1100.

2. From any infested property in the regulated area (except to an adjoining infested property) unless treated or processed prior to such movement by a method and in a manner approved by the Director and under the supervision of the agricultural commissioner, his deputy or inspector.

(B) No restrictions are placed by this regulation on the movement of restricted articles between points within the area under quarantine except as set forth in paragraph (2) (A) above.

(3) **Approved Treatments.** The following treatments are approved for the articles specified.

(A) **Green Beans, Dry Beans and Bean Straw.** Fumigation at atmospheric pressure under gas-tight tent or in other gas-tight enclosure for a period of 2 hours using methyl bromide at the rate of:

Four pounds at temperatures of not less than 60° F. or 3½ pounds at temperatures of not less than 70° F. or, 3 pounds at temperatures of not less than 80° F. per each 1000 cubic feet of space.

(B) **Optional for Dry Beans and Bean Straw Only.** Fumigation at atmospheric pressure under gas-tight tent or in other gas-tight enclosure for a period of 12 hours using methyl bromide at the rate of 2 pounds for each 1000 cubic feet of space at temperatures of not less than 60° F. or for a period of 24 hours using methyl bromide at the rate of 1 pound for each 1000 cubic feet of space at temperatures of not less than 60° F.

(C) **Equipment** (Threshers and Tractors). Fumigation at atmospheric pressure under canvas tent for a period of 1 hour using 40 cc. of hydrocyanic acid or its equivalent (2 oz. sodium cyanide) for each 100 cubic feet of space at temperatures of not less than 50° F.

(4) **Approval of Processing Methods.** All methods of processing on the basis of which permits or certificates may be issued in lieu of treatment shall have been determined to be acceptable by the Agricultural Commissioner, and approved by the Director as rendering all such articles so processed innocuous as carriers of living stages of the pest herein quarantined against.

(See also Sections 3152 and 3154 to 3156, inclusive.)

(Filed 5-16-47; Effective 5-16-47)*†

*† For statutory and source citations, see note to §3150.

3412. Citrus White Fly Interior Quarantine. (Quarantine Regulation 15.) A quarantine is established effective the 17th day of February, 1947, against the following pest, its hosts, and possible carriers:

(a) **Pest.** Citrus white fly (*Dialeurodes citri*).

(b) **Area Under Quarantine.** All that portion of the City of Fullerton in Orange County lying within the west one-half ($W\frac{1}{2}$) of Section 27; all of Section 28; the east one-half ($E\frac{1}{2}$) of Section 29; that portion of the east one-half ($E\frac{1}{2}$) of Section 32, Section 33, and the west one-half ($W\frac{1}{2}$) of Section 34 all in Township 3 South, Range 10 West within the limits of the City of Fullerton.

(c) **Commodities Covered.** The following plants and parts thereof which are known hosts and probable carriers of said pest:

All species and varieties of Citrus (citron, grapefruit, lemon, lime, orange, pummelo, tangerine, etc.) and the following closely related genera and hybrids:

Aegle marmelos (Baelfruit)
Swinglea glutinosa (Chaetospermum) (Tabog)
Murraya spp. (Chalcas; Murraea) (Jasminorange)
Citropsis spp. (Cherryorange or African cherryorange)
Feronia limonia (Woodapple)
Fortunella spp. (Kumquat)
Poncirus spp. (Trifoliate-orange)
Severinia spp. (Boxorange)
Tirphasia trifolia (Limeberry)

And the following other genera and species:

Ailanthus spp. (Treeofheaven)
Choisya ternata (Mexicanorange)
Diospyros spp. (Persimmon)
Gardenia spp. (Gardenia or Capejasmine)
Ilex spp. (Holly)
Jasminum spp. (Jasmine)
Ligustrum spp. (Privet)
Melia spp. (Chinaberry)
Osmanthus americanus (Devilwood)
Prunus caroliniana (Carolina laurelcherry)
Sapindus mukorossi (Chinese soapberry)
Syringa vulgaris (Common lilac)

(d) **Restrictions.** (1) **Commodities Covered Unrestricted if Completely Defoliated.** No restrictions are placed by this regulation on the movement of commodities covered which are completely defoliated prior to movement from the area under quarantine, provided that balled plants must be so defoliated after being balled.

(2) **Plants With Foliage Prohibited Movement From Quarantined Area Unless Certified Treated.** Except as provided in paragraphs (4) and (5) hereof, no restricted plants or parts thereof with foliage shall be moved from the area under quarantine unless each lot or shipment thereof is accompanied

*† For statutory and source citations, see note to §3150.

by an official certificate of treatment issued by the Agricultural Commissioner, his deputy or inspector in accordance with paragraph (3) hereof.

(3) **Treatments and Issuance of Certificates.** Treatment certificates shall be issued only provided, the commodities being certified were treated under official supervision immediately prior to shipment as herein approved or subsequently approved by the Director, either under a gas-tight tent or in a tight fumigatorium and protected from post-treatment infestation.

APPROVED ALTERNATE TREATMENTS

Atmospheric, Using Methyl Bromide. 2½ pounds fumigant for each 1,000 cu. ft. of space at 80° F. or above for 2 hours. (Add ½ pound fumigant or increase period of exposure ½ hour for each 10° drop in temperature.)

Atmospheric, Using Cyanide. 20 c.c. liquid hydrocyanic acid or their equivalent for each 100 cu. ft. of space at temperatures above 40° F. and below 80° F. for 1 hour. (If calcium cyanide dust is used increase period of exposure to 70 minutes.)

Certificates shall affirm that all commodities so certified were treated in accordance with the provisions of this paragraph, setting forth the kind and quantity of commodities covered by each such certificate and the date of treatment.

*† For statutory and source citations, see note to §3150.

tive parts of grapevines being grown on such premises. County Agricultural Commissioners may withhold the issuance of certificates herein provided for upon failure of persons to notify the Commissioner of intention to propagate vines eligible for movement under this provision or for failure to report the arrival of propagative parts to be used.

(C) All grapevines so moved must be in sealed bundles of 50 or more with an approved type seal except that such sealing will not be required of shipments or lots comprised of less than 50 vines each.

(3) **Rooted Vines May Be Reshipped From Infected Area.** Rooted vines which are eligible for movement between points within the protected area may be reshipped from any point within the infected area or heavily infected area to points inside the protected area provided, the identity of such vines while within the infected area or heavily infected area, is maintained to the satisfaction of the County Agricultural Commissioner of the county of reshipment and further provided, each lot or shipment is accompanied by a certificate signed by such commissioner attesting to such fact.

(4) **No Restrictions on Following Movement of Restricted Articles:**

(A) Within the protected area except from premises under hold order.

(B) From points in the *protected* area to points in the *infected* or *heavily infected* areas.

(C) From points in the *infected* area to points in the *heavily infected* area.

(D) From points in the *heavily infected* area to points in the *infected* area.

(5) **Director May Issue Special Permits.** Movement may be permitted of regulated products which are not otherwise eligible for intrastate movement under the provisions of this Regulation only under special permit from the Director subject to such provisions and conditions as the Director may prescribe therein. (See also Sections 3152 and 3154 to 3156, inclusive.)*†

3406. Revocation of Oriental Fruit Moth Interior Quarantine (Regulation 7). (Effective July 17, 1945).

The statement governing the revocation follows:

It has been determined by recent intensive survey and by surveys conducted during the past three years that Oriental fruit moth *(Grapholitha molesta)* is now that widely spread within the State of California as to subject the major part of the deciduous-fruit acreage to infestation through natural spread and spread through the normal and uncontrollable movement, by persons and vehicles, of host fruits, nursery stock, used containers, appliances, and other possible carriers;

The continuation of reasonable quarantine measures within the large area now involved would result in enforcement and treatment inadequacies;

*† For statutory and source citations, see note to §3150.

It would therefore appear that the pest preventive benefits to be expected from the continuation of such measures would be outweighed by the interference with normal marketing of host fruits within this State and into other States;

This revocation in no way affects the provisions of the Agricultural Code with regard to the inspection and disposition of plants and plant products.*†

3407. Quick Decline of Orange Interior Quarantine.
(Quarantine Regulation 8)

A quarantine is established effective against the following pest, its hosts, and possible carriers:

(a) **Pest.** "Quick Decline" of orange trees.

(b) **Area Under Quarantine.** The following described portions of Los Angeles, Orange, Riverside, and San Bernardino Counties:

Los Angeles County: All that portion of Los Angeles County bounded on the north by the north boundary of Township 2 North, S.B.B. & M., and on the west by a line beginning at the point where the north boundary of Township 2, North intersects the Big Tujunga Wash; thence southwesterly along the Big Tujunga Wash across Hanson Dam, continuing along said Wash to San Fernando Road; thence southeasterly along San Fernando Road to Vineland Avenue; thence southerly along Vineland Avenue to Ventura Boulevard; thence southeasterly along Ventura Boulevard and along Cahuenga Boulevard to Mulholland Drive; thence westerly along Mulholland Drive to Topanga Canyon; thence southerly along Topanga Canyon to the Pacific Ocean.

Orange County: All that portion of Orange County west and north of a line drawn as follows: Beginning at the intersection of the Santa Ana River with the Orange County boundary line; thence southerly along a line drawn as a northerly continuation of the west boundary of the Cleveland National Forest; thence southerly along said line and along the west boundary of the Cleveland National Forest to its intersection with the 1st Standard Parallel South; thence west along the 1st Standard Parallel South to its intersection with the northeasterly extension of Newport Boulevard; thence southwesterly along Newport Boulevard to 17th Street; thence west along 17th Street and continuing along Westminister Avenue to its intersection with the Southern Pacific Railroad right of way, paralleling and approximately ½ mile west of Huntington Beach Boulevard; thence southerly along said Southern Pacific Railroad right of way to the north city limits of the town of Huntington Beach; thence west along said north city limits of the town of Huntington Beach and along a line drawn as a continuation of said city limits to the Pacific Ocean.

Riverside County: All that portion of Riverside County lying west and north of a line beginning at the intersection of the north county boundary line of said county, with the west

*† For statutory and source citations, see note to §3150.

3406. Revocation of Oriental Fruit Moth Interior Quarantine (Regulation 7). (Effective July 17, 1945).

The statement governing the revocation follows:

It has been determined by recent intensive survey and by surveys conducted during the past three years that Oriental fruit moth *(Grapholitha molesta)* is now that widely spread within the State of California as to subject the major part of the deciduous-fruit acreage to infestation through natural spread and spread through the normal and uncontrollable movement, by persons and vehicles, of host fruits, nursery stock, used containers, appliances, and other possible carriers;

The continuation of reasonable quarantine measures within the large area now involved would result in enforcement and treatment inadequacies;

*† For statutory and source citations, see note to §3150.

It would therefore appear that the pest preventive benefits to be expected from the continuation of such measures would be outweighed by the interference with normal marketing of host fruits within this State and into other States;

This revocation in no way affects the provisions of the Agricultural Code with regard to the inspection and disposition of plants and plant products.*†

3407. Quick Decline of Orange Interior Quarantine.
(Quarantine Regulation 8)

A quarantine is established effective against the following pest, its hosts, and possible carriers:

(a) **Pest.** "Quick Decline" of orange trees.

(b) **Area Under Quarantine.** The following described portions of Los Angeles, Orange, Riverside, and San Bernardino Counties:

Los Angeles County: All that portion of Los Angeles County bounded on the north by the north boundary of Township 2 North, S.B.B. & M., and on the west by a line beginning at the point where the north boundary of Township 2, North intersects the Big Tujunga Wash; thence southwesterly along the Big Tujunga Wash across Hanson Dam, continuing along said Wash to San Fernando Road; thence southeasterly along San Fernando Road to Vineland Avenue; thence southerly along Vineland Avenue to Ventura Boulevard; thence southeasterly along Ventura Boulevard and along Cahuenga Boulevard to Mulholland Drive; thence westerly along Mulholland Drive to Topanga Canyon; thence southerly along Topanga Canyon to the Pacific Ocean.

Orange County: All that portion of Orange County west and north of a line drawn as follows: Beginning at the intersection of the Santa Ana River with the Orange County boundary line; thence southerly along a line drawn as a northerly continuation of the west boundary of the Cleveland National Forest; thence southerly along said line and along the west boundary of the Cleveland National Forest to its intersection with the 1st Standard Parallel South; thence west along the 1st Standard Parallel South to its intersection with the northeasterly extension of Newport Boulevard; thence southwesterly along Newport Boulevard to 17th Street; thence west along 17th Street and continuing along Westminister Avenue to its intersection with the Southern Pacific Railroad right of way, paralleling and approximately ½ mile west of Huntington Beach Boulevard; thence southerly along said Southern Pacific Railroad right of way to the north city limits of the town of Huntington Beach; thence west along said north city limits of the town of Huntington Beach and along a line drawn as a continuation of said city limits to the Pacific Ocean.

Riverside County: All that portion of Riverside County lying west and north of a line beginning at the intersection of the north county boundary line of said county, with the west

*† For statutory and source citations, see note to §3150.

boundary of Range 5 West, S.B.B. & M.; thence south along said west boundary of Range 5 West, to its intersection with the Santa Ana River; thence generally westerly and southwesterly along the Santa Ana River and across the Prado Flood Control Basin along the channel of the Santa Ana River and continuing along the Santa Ana River to its intersection with the west county boundary line.

San Bernardino County: All that portion of San Bernardino County bounded on the north by the north boundary of Township 2 North, and on the east by the east boundary of Range 6 West, S.B.B. & M.

(b-1) **Heavily Infected Areas**

(1) *Covina-Claremont Area:* Beginning at the point where the north boundary of Township 1 North, S.B.B. & M. intersects San Antonio Canyon, approximately ⅔ mile west of the eastern Los Angeles County Boundary line; thence west along said north boundary of Township 1 North, to the west boundary of Range 10 West; thence south along said west boundary of Range 10 West, to the east city limits of the City of Monrovia; thence southerly and westerly along the east city limits of the City of Monrovia to Mountain Avenue; thence southerly along Mountain Avenue to its intersection with the city limits of said city; thence westerly and southerly along said city limits to Duarte Road; thence westerly along Duarte Road to Peck Road; thence southerly along Peck Road to Live Oak Avenue, thence easterly along Live Oak Avenue and along Arrow Highway to the channel of the San Gabriel River; thence southwesterly along the channel of the San Gabriel River to its intersection with West Ramona Boulevard; thence easterly along West Ramona Boulevard to its intersection with Francisquito Avenue; thence southeasterly along Francisquito Avenue and along Glendora and said Francisquito Avenue to its intersection with Covina Avenue; thence south along Covina Avenue and Pass and Covina Road to its intersection with Amar Road; thence along a line drawn in a northeasterly direction to the crest of the San Jose hills; thence in a northeasterly direction along the crest of the San Jose hills to a point of intersection with a line drawn as a northern continuation of Bellevue Avenue; thence south along said line and along Bellevue Avenue to Holt Avenue; thence east along Holt Avenue to its intersection with the channel of San Antonio wash; thence northerly along the channel of San Antonio wash and along San Antonio canyon to the point of beginning.

(2) *Rivera Area:* Beginning at the point where San Gabriel Boulevard intersects the channel of the Hondo River (Rio Hondo) in Los Angeles County; thence southwesterly along said channel of the Hondo River to its intersection with Florence Avenue; thence southeasterly along Florence Avenue

*† For statutory and source citations, see note to §3150.

to its intersection with the channel of the San Gabriel River; thence northeasterly along said channel of the San Gabriel River to its intersection with Washington Boulevard; thence southeasterly along Washington Boulevard to its intersection with Broadway; thence northeasterly along Broadway to its intersection with Whittier Boulevard; thence west along Whittier Boulevard to its intersection with the channel of the San Gabriel River; thence northerly along said channel of the San Gabriel River to its intersection with Siphon Road; thence westerly along Siphon Road and along San Gabriel Boulevard to the point of beginning.

(3) *Placentia Area:* Beginning at the intersection of Spadra Avenue and Imperial Highway in Orange County; thence southerly along Spadra Avenue to its intersection with Orangethorpe Avenue; thence east along Orangethorpe Avenue to its intersection with Richfield Road; thence northerly along Richfield Road to its intersection with Yorba Linda Avenue; thence westerly along Yorba Linda Avenue to its intersection with Valley View Road; thence northerly along Valley View Road to its intersection with Imperial Highway; thence northwesterly and westerly along Imperial Highway to the point of beginning.

(b-2) **Lightly Infected Area:** All that portion of *Los Angeles, Orange* and *San Bernardino Counties bounded as follows:* Beginning at the intersection of the eastern county boundary of Los Angeles County and the north boundary of Township 1 North, S. B. B. & M.; thence west along said north boundary of Township 1 North, to the point of its intersection with the main channel of the Arroyo Seco wash and canyon; thence southerly along said channel of Arroyo Seco wash and canyon to its intersection with Devils Gate Dam; thence westerly along said Devils Gate Dam to Linda Vista Avenue; thence southerly along Linda Vista Avenue to Colorado Boulevard; thence westerly along Colorado Boulevard to San Fernando Boulevard; thence southeasterly along San Fernando Boulevard to Los Feliz Boulevard thence southwesterly along Los Feliz Boulevard to Western Avenue; thence south along Western Avenue to Sunset Boulevard; thence in a generally westerly and southwesterly direction along Sunset Boulevard to the Pacific Ocean; thence southerly and easterly along the shore line of the Pacific Ocean to the mouth of the San Gabriel River; thence northerly along the San Gabriel River to its confluence with Coyote Creek; thence northerly along Coyote Creek to its intersection with Firestone Boulevard; thence southeasterly along Firestone Boulevard and into *Orange County* along Manchester Boulevard to Vermont Street; thence northeasterly along Vermont Street to Placentia Avenue; thence north along Placentia Avenue to Anaheim-Olive Boulevard; thence easterly along Aanaheim-Olive Boulevard to State Highway 18;

*† For statutory and source citations, see note to §3150.

thence northeasterly along State Highway 18 to its intersection with State Highway 14; thence northerly along State Highway 14 to the center of the Santa Ana River; thence easterly along the center of the Santa Ana River to the east boundary of Range 9 West; thence north along said east boundary of Range 9 West to its intersection with the Orange County boundary line; thence northwesterly along the Orange County boundary line and continuing along the eastern Los Angeles County boundary line to Riverside Drive; thence easterly along Riverside Drive and into *San Bernardino County* along said drive to Archibald Avenue; thence northerly along Archibald Avenue to Valley Boulevard (U. S. Hwy. 99); thence easterly along Valley Boulevard to Haven Avenue; thence north along Haven Avenue and along a line drawn as a continuation of Haven Avenue to its intersection with the north boundary of Township 1 North; thence west along the north boundary of Township 1, North, to the point of beginning.

(b-3) **Regulated Area:** All that portion of Los Angeles, Orange, Riverside and San Bernardino Counties within the area under quarantine not described as "Infected Areas" in subsections (b-1) and (b-2) hereof.

(c) **Commodities Covered** (Restricted Articles): All varieties including the ornamental forms of sweet orange *(Citrus sinensis)* plants and propagative parts thereof and including any species of root stock carrying propagative parts whether dormant or otherwise of *Citrus sinensis* are hereby declared to be hosts or possible carriers of the pest herein quarantined against, *except* that seed of *Citrus sinensis* and *Citrus sinensis* root stock used solely as such for species other than *Citrus sinensis* are exempt from the provisions of this regulation.

(d) **Restrictions.** (1) **Movement Prohibited From Area Under Quarantine.** All restricted articles are prohibited movement from any premises within the area under quarantine to any point outside thereof.

(2) **Control of Movement of Budwood, Scions or Cuttings. Movement Within Area Under Quarantine.** Budwood, scions or cuttings of sweet orange trees are prohibited movement as such for propagation, from any premises within any infected area to any point within the regulated area or from any heavily infected area to any point within the lightly infected area except under permit issued by the Agricultural Commissioner prior to taking of such budwood, scions or cuttings, on the basis of no official record of any Quick Decline being present or having occurred within two miles of such bud source.

(3) **Control of Movement of Trees Within Area Under Quarantine.** Restricted trees (including seedlings, budded trees and rooted cuttings) are prohibited movement from any premises within any infected area to any point within the regu-

*† For statutory and source citations, see note to §3150.

lated area, or from any heavily infected area to the lightly infected area except under certificate issued by the Agricultural Commissioner prior to such movement on the basis that:

(A) There is no official record of any Quick Decline being present or having occurred within two miles of the growing grounds as determined at the time of such movement, and

(B) Movement shall be directly from the premises on which said trees were produced, and

(C) All buds, scions or cuttings in all restricted budded trees on said premises were secured under permit in accordance with the provisions of paragraph (2) above or secured prior to January 15 in accordance with the regulations then in effect, or secured outside of the infected areas described in this regulation.

(4) **Use of Prohibited Budwood, Scions or Cuttings. Prohibited Trees. Penalty.** The use of any prohibited budwood, scions or cuttings, or the presence of any prohibited trees on any premises shall nullify eligibility to permits or certification of all restricted articles on such premises.

(5) **Permits and Certificates Valid Until Revoked. Statement In Certificate.** Permits and certificates shall be valid until revoked by the Agricultural Commissioner and each such permit or certificate accompanying a lot or shipment of restricted articles shall set forth the kind and quantity of budwood, scions or trees covered thereby, names and addresses of consignee and consignor, or permittee and receiver, and must affirm that all conditions of movement of said budwood, scions or trees have been met in accordance with the provisions of this Regulation.

(6) **In Transit Movement Permitted From One Heavily Infected Area to Another.** Movement of restricted articles from one heavily infected area to another heavily infected area is permitted without certificate if moved by common carrier on through bill of lading without diversion or delay, or, if otherwise moved, in a manner satisfactory to the Agricultural Commissioner to assure direct movement without delay or diversion to said area.

(7) **In Transit Movement Through Infected Area Under Conditions.** Restricted articles may be moved from points outside the area under quarantine, through the quarantined area without delay or diversion while within said area to points outside thereof only in tightly wrapped bales, bundles or containers, or in a similarly tight conveyance in which no such articles are placed while within the area under quarantine. (See also Sections 3152 and 3154 to 3156, inclusive.)*†

(Filed 4-18-47; Effective 4-18-47)

*† For statutory and source citations, see note to §3150.

Printed July 25, 1945

SUBCHAPTER 3. ENTOMOLOGY AND PLANT QUARANTINE

Group 1. Apiary Inspection
Group 2. Nursery Stock
Group 3. Pest Control Operators
Group 4. Plant Quarantines

GROUP 1. APIARY INSPECTION

BEE DISEASES

Article
1. Inspection of Interstate Shipments
2. Regulation of Intrastate Movement
3. Registration
4. Instructions to Inspectors Pertaining to Apiaries Infected with American Foulbrood
5. Notice to Abate Nuisance
6. Inaccessible Hives

APIARY INSPECTION

Article 1. Inspection of Interstate Shipments

2924. Inspection of Interstate Shipments. Any person, firm or corporation who shall receive or bring or cause to be brought into the State of California any bees, beehives, brood, combs, queen bees, used extractors or used apiary supplies or other articles which have been used in or as an apiary shall, immediately after the arrival thereof, notify the agricultural commissioner or county inspector of apiaries of the district or county in which such bees, beehives, brood, combs, queen bees, used extractors, used apiary supplies or other articles have been received, or, in case there is no agricultural commissioner in the county of destination, shall notify the Director of Agriculture of their arrival and hold same, without unnecessarily moving the same or placing such articles where they may be harmful, for the immediate inspection of such Director of Agriculture, agricultural commissioner, or county inspector of apiaries.

NOTE.—§§2924 to 2951, inclusive, issued under the authority contained in Section 272, Agricultural Code. Source of §§2924 to 2951, inclusive, is the Rules and Regulations issued by the Director of Agriculture.

2925. Bees, hives, combs, used extractors, and other articles which have been used in or as an apiary, infected with American foulbrood are hereby prohibited entry into California for any purpose whatsoever, and any such articles as are prohibited entry in this Regulation arriving in California from said infected apiary shall be immediately sent out of the State or destroyed at option and expense of owner.*†

2926. Bees, beehives, combs and used extractors or other supplies and equipment which have originated in apiaries not infected with

*† For statutory and source citations, see note to §2924.

American foulbrood will be admitted into California only in compliance with the following conditions:

(a) Each and every lot of materials admissible under this Regulation shall bear an official certificate signed by a duly authorized apiary inspection official of the State in which the same originates, establishing the fact that all the materials contained in the shipment originated in an apiary which was inspected within 60 days prior to shipment and then found free from American foulbrood. Such certificate shall state the number of each kind of article, point of origin, terminal point of delivery, name and address of consignor and name and address of consignee. A copy of such certificate shall be mailed by shipper in advance of shipment to Director of Agriculture, Sacramento, California. Any and all lots of shipments of articles enumerated in this Regulation arriving in California without the certificate as provided for shall be immediately sent out of the State or destroyed at the option of the owner or owners or his or their responsible agents.

(b) Combless packages of bees and queens may be accepted when accompanied by the following certificate:

"This is to certify that no honey is contained in the food accompanying this shipment.

(Signed)_____
Inspector of Apiaries"

(c) Used package bee cages returning empty may be admitted without a certificate.*†

*† For statutory and source citations, see note to §2924.

Group 2. Commercial Feeding Stuffs

Sections
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Article 2. Feeds Containing Harmful Substances ---- 2681, 2682
Article 3. Official Names ---- 2687, 2688
Article 4. Brands, Brand Names and Trade-Marks ---- 2693 to 2707
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Article 13. Amendment or Alteration of Regulations ---- 2768
Article 14. Definitions and Standards ---- 2773 to 2802
Article 15. Rules and Regulations Governing Printers and Tag Companies Authorized to Print the Feeding Stuffs Tonnage Tax Paid Insignia ---- 2807 to 2815

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SUBCHAPTER 3. ENTOMOLOGY AND PLANT QUARANTINE

Group 1. Apiary Inspection
Group 2. Nursery Stock
Group 3. Pest Control Operators
Group 4. Plant Quarantine

Group 1. Apiary Inspection

Bee Diseases

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Wax Salvage Plants

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Article 2.	Grades and Standards for Nursery Stock	3041 to 3045

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Group 1. Cottonseed Certification (No rules filed)
Group 2. Crop Seed Certification and Screenings
Group 3. Seed Inspection
Group 4. Weed Free Areas
Group 5. Wild Bird and Animal Importations

Group 2. Crop Seed Certification and Screenings

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Article 1.	Klamath Weed	3927, 3932
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Group 5. Wild Bird and Animal Importations

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CHAPTER 5. MISCELLANEOUS MATTERS

Miscellaneous Matters—No Material at This Time.

CHAPTER 6. FARM PRODUCTION COUNCIL (NO RULES FILED)

No Material at This Time.

(Register 12, No. 2—4-10-48)

State of California
California Administrative Register 12, No. 2

(April 10, 1948)

Amendments and Additions to Rules and Regulations of

Title 2. State Board of Control

Title 8. Division of Industrial Safety

Title 16. State Board of Accountancy
California State Board of Architectural Examiners
State Board of Barber Examiners
State Board of Chiropractic Examiners
State Board of Registration for Civil and Professional Engineers
State Board of Dry Cleaners

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(b) Application Form SS-5 may be obtained from any local post office, or field office of the Social Security Board. Form SS-5 shall be completely filled out in accordance with the instructions contained on or accompanying the form.

(c) Where an employee refuses or fails to secure a social security number the employer shall furnish the information required on a Form SS-5 on his information and belief, setting out as fully and clearly as practicable the data therein called for. The employer shall insert on the form the reason why he filled out the application, such as: "Individual still in my employ, but failed to file application on or before _____."

(d) Completed applications may be filed by the employee in any of the following ways:

(1) Through his employer, or

(2) Through any labor union of which he is a member, or

(3) By delivering it to his local post office, or

(4) By mailing it, in a sealed envelope, addressed "Postmaster, Local".

(e) The social security number assigned to each employee will be in lieu of any other state registration of individuals for the purposes of the act.

Article 6. Wages

60. Taxable Wages. (a) The basis upon which employer and worker contributions shall be computed is wages actually or constructively paid during a calendar quarter in subject employment by an employer subject to the act. Wages for contribution purposes are considered taxable when actually or constructively paid.

(b) Wages are constructively paid when they are credited to the account of or set apart for an employee so that they may be drawn upon by him at any time, although not then actually reduced to possession. To constitute payment in such a case, the wages must be credited or set apart to the employee without any substantial limitation or restriction as to the time or manner of payment, or condition upon which payment is to be made, and must be made available to him so that they may be drawn at any time and their payment brought within his own control and disposition. (Filed December 28, 1945.)

(c) Individual wage earners' data must be reported on the basis of wages actually or constructively paid, which is the same basis as that upon which employer and worker contributions are to be computed for the same period.

61. Non-taxable Wages. Excluded from wages subject to contributions are the following items:

(a) Drawings by bona fide general partners whether designated as salary or otherwise.

(b) Compensation paid to the widow or estate of a deceased employee for which no services are performed, and pensions to a retired employee who performs no services for his former employer.

(c) Compensation received by an employee under the provisions of the Workmen's Compensation Insurance and Safety Act of this State, or similar law of other states, or of the United States.

(d) Special discounts on goods, wares, or merchandise purchased by employee from his employer unless such discount constitutes a regular or systematic plan to remunerate the employee for services rendered.

(e) Credit against tuition or fees customarily charged by a bona fide school in exchange for services rendered by a student of such school.

(f) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of death, provided the employee:

(1) Has not the option to receive, instead of provisions for such death benefits, any part of such payment, or if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by the employer; and

(2) Has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefits, to assign such benefits, or to receive a cash consideration in lieu of such benefits either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer.

(g) Remuneration paid or payable by an employer to a worker for services which are excepted by Section 7 of the Act.

62. Allowance for Board and Lodging. (a) Board, lodging, or any other payment in kind, received by an employee in addition to or in lieu of cash wages shall be taxable on the basis of a reasonably estimated cash value to the employee, as determined or approved by the Department.

(b) Where the cash value for board and/or lodging furnished an employee is agreed upon in any labor or union agreement, or in any contract of employment, the amount so agreed upon shall, if more than the minimum rates prescribed herein, be deemed the value of such board and/or lodging.

(c) Until and unless the Department determines otherwise in a given case, the reasonable cash value of board and/or lodging furnished an employee in addition to or in lieu of money wages, for the purpose of this rule shall not be less than the following:

Meals:	Breakfast	$0.30	Alternative: $0.45 per meal
	Lunch	.40	
	Dinner	.60	

Lodging:	Room occupied alone	$3.50 per week
	Room shared	2.50 per week or whichever is the greater
	66⅔ percent of the ordinary rental value to the public of such lodging, and in any event not more than	75.00 per month

A lower cash value of board and/or lodging may be determined only if the employer or employee shows to the Department's satisfaction that the minimum rates prescribed herein are in excess of the actual value.

(d) It is immaterial for the purposes of this section that the facilities furnished by the employer are furnished for his convenience or the convenience of the employee.

(e) The provisions of this section shall not be construed to include as taxable wages items expended on behalf of the employer and designated as traveling allowance.

(Effective date: January 1, 1948)

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 10-9-47. (Register 10, No. 1).

63. Tips as Wages. (a) The amount of tips or gratuities customarily received and retained by an employee in the course of his employment from persons other than his employing unit shall be considered taxable wages if:

(1) Such tips or gratuities, or

(2) Such tips or gratuities plus the excess of the minimum wage required to be paid by law over and above the amount of such tips or gratuities, constitute substantially the only wage paid to the employee.

(b) The term "substantially" as used in subsection (a) of this Section shall be construed to mean 90 percent or more of the wages paid to the employee, and only those tips or gratuities received by an employee in the course of his employment from one other than his employer which constitute 90 percent or more of the wages paid to the employee with respect to a pay roll period, or which plus the excess of the minimum wage required to be paid by law over and above the amount of such tips or gratuities constitute 90 percent or more of the wages paid to the employee with respect to the pay roll period, are to be deemed wages on which contributions are required.

(c) The value of tips or gratuities received by an employee in the course of his employment from a person or persons other than his employer, and which appear to constitute 90 percent or more of the wages paid to the employee, may be estimated by the employer and the worker in such equitable manner as may best reflect the tips received, provided, that the employer files a statement with the Department indicating the method by which the estimated amounts are ascertained, and, provided further, that no employee shall be required to disclose to the employer the amount of tips actually received.

(d) If the employee voluntarily reports weekly to his employer the amount of his tips, the employer shall record and report such amount to the Department and may make such protest thereto as he desires. In the absence of such report by the employee any claim thereafter made by him for credit for tips other than as estimated shall be deemed invalid and no benefits shall be paid thereon. Changes from a voluntary report basis to an estimate basis, or vice versa, shall not be made more frequently by the employee than at six-months intervals.

64. Allowance for Expense. (a) "Taxable wages" does not include the actual amount of traveling, automobile and other necessary or required business expenses incurred by an employee in connection with his employment and the reasonable rental value of equipment or supplies furnished by an employee to his employer; provided, however, that the employee shall maintain such reasonable records as will enable him to account to his employer for the amount of the rental or expenses actually incurred by him and that the employer shall keep such reasonable records as will show the portions of the total amount which represent respectively expenses and remuneration for services.

(b) The accounting between the employee and his employer shall be accomplished for periods not greater than a calendar quarter and not less often than once each quarter so the employer may have knowledge of that portion of the payment which is remuneration for personal services for the purpose of properly preparing the quarterly contribution and earnings returns.

(c) Nothing herein shall preclude a reasonable flat daily, weekly or monthly allowance to cover traveling and similar expenses actually incurred and not in fact remuneration for services performed. Where the employer computes expenses on a fixed flat allowance basis, the employer must, at all times, be prepared to substantiate the amount claimed to be expense items and to show that no part of it represents additional remuneration for employment. A statement of expenses by the employee shall constitute a rebuttable presumption that the employer has complied with this section.

(d) In lieu of computing the automobile expenses on the basis of the actual expense incurred, such expenses may be taken on either of the following bases if found reasonable by the Department:

(1) A reasonable fixed mileage rate, or

(2) A reasonable flat monthly allowance.

Where the employer computes the expense on a fixed mileage basis, an actual record of the miles traveled by the worker in the employer's business shall be reported by the worker to his employer and a record thereof maintained by the employer.

(e) Regardless of any of the methods used in computing expenses, whenever an item is questioned, the burden of proof shall be entirely upon the employer to establish the correctness of the expenses to the satisfaction of the Department. Unless it can be established to the satisfaction of the Department that the amount claimed represents only actual reimbursement for usual and necessary expenses incurred in the course of the worker's employment, all or any part of the expenses may be disallowed.

History: 1. Originally published 4-1-45. (Title 22.)
2. Amendment filed 9-23-47. (Register 10, No. 1.)

65. Limitation on Amount of Taxable Wages. If remuneration paid for subject employment performed by an employee for an employer during any calendar year exceeds $3,000, the taxable wage shall not include that part of such remuneration which is in excess of the first $3,000 paid. If the employee works for more than one employer during

employer must, at all times, be prepared to substantiate the amount claimed to be expense items and to show that no part of it represents additional remuneration for employment. A statement of expenses by the employee shall constitute a rebuttable presumption that the employer has complied with this section.

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SUBCHAPTER 2. CORPORATION INCOME TAX

(Rules being revised)

CHAPTER 3. FRANCHISE TAX COMMISSIONER
SUBCHAPTER 1. BANK AND CORPORATION FRANCHISE TAX
SUBCHAPTER 2. CORPORATION INCOME TAX
SUBCHAPTER 3. PERSONAL INCOME TAX

SUBCHAPTER 1. BANK AND CORPORATION FRANCHISE TAX

(Rules being revised)

High Frequency—
One glass rake electrode 1
One flat glass electrode

Therapeutic Lamp—
Installed to permit free use of operator's hands 1

Manicure Tables—
For enrollment of 30 or less 6
31 to 40 8
41 to 50 10
2 additional tables for each 25 students in excess of 50

Liquid Sterilizers—
For enrollment of 30 or less 2
31 to 40 3
41 to 50 4
2 additional for each 25 students in excess of 50

Container for liquid sterilization on each manicure table 1

Dry Sterilizer sufficiently large to accommodate equipment for 30 students; 2 when enrollment is between 30 and 50; 1 additional for each 25 students in excess of 50.*†

913. Interior, Furniture and Fixtures. (a) The floors of a school shall be covered with a nonabsorbent material. All woodwork and furniture shall be of such nature that it can be kept clean at all times, and sidewalls and ceilings shall be maintained in proper condition and in good repair. Walls, woodwork and furniture shall be finished in such manner that they may be washed with soap and water.

(b) There must be within the premises of each school at least four (4) covered waste receptables, at least one (1) airtight container in which to keep sterilized instruments, and at least one (1) closed cabinet in which to keep clean towels. Each school shall also be provided with such other sanitary facilities as may be necessary to conduct such school in a sanitary manner. A school must be provided with suitable plumbing and fixtures that will permit of an adequate and readily available supply of hot and cold running water located within the working booths or work rooms.

(c) Where male and female students are enrolled, separate toilets shall be provided for each sex.

(d) A school shall furnish facilities for students to wash and dry their hands, such facilities to be located near or adjacent to the lavatory.

(e) A school shall provide a drinking fountain or a supply of drinking cups without charge to students.*†

914. Location. A school shall not be located in a building occupied or frequented by persons of immoral character.*†

915. Alterations and Change of Location. Before any major alteration, major renovation or change of location of school premises is made, the plan of such alteration, renovation or change of location shall first be submitted to the board for approval.*†

*† For statutory and source citations, see note to §900.

916. Curriculum. (a) The curriculum for students enrolled in a school for the hairdresser and cosmetician or cosmetologist course shall be as follows:

(1) Minimum instruction and training in particular subjects:

Subjects	*Hours to Be Assigned to Subjects*
Manicuring	200
Hand and Arm Bleach	
Hand and Arm Massage	
Marcelling and all Iron Curls	150
Permanent Waving, Shampooing and all Wet Curls	300
Facials	150
Scalp Treatments	100
Dye and Bleach	175
Hair Cutting	150
Oral, Written and Practical Tests	100
Instructions and Lectures on Sanitation, Sterilization, Nail, Skin, and Scalp Diseases	125
Ethics, Salesmanship, Courtesy and Conduct, Telephone Conversation	100
Laboratory	25
Unassigned (to be applied to subjects in which the individual student may be deficient)	25
Total	1,600

Lectures on sanitation, sterilization, nail, and scalp diseases shall be delivered by the staff physician and surgeon of each school at least once a month to all students enrolled in day classes, and at least once every three months to all students enrolled in night classes.

(2) Minimum number of operations to be performed by students:

Subject		*Minimum Number of Operations*	
SHAMPOO	Soap	20	
	Oil	10	
	Egg	2	
	Tar	2	(liquid and jelly)
	Special	5	
	Powder dry—Instruction and practical demonstration		
RINSE	Vinegar	3	
	Lemon	2	
	Blueing	4	
	Camomile	1	
	Henna	4	
	Brightening	2	
PERMANENT	Croquignole—Machine	15	
	Croquignole—Machineless	15	
	Cold Wave	25	
	Spiral—Instruction and practical demonstration		

*† For statutory and source citations, see note to §900.

Subject		*Minimum Number of Operations*	
CURLING	Bob Curl	3	complete hair styles
	Marcel	10	
	Paper Curl	8	complete heads combining triangular and square blocking
	Round Curl—Instruction and practical demonstration		
	50 hours' block practice in all iron curling		
WET WAVING	Pin Curl	10	hair styles
	Finger Wave	20	
	Sculpture Curls	10	hair styles
	Creative hair style	50	with *comb-outs*
	Brush Curl—Instruction and practical demonstration		
BLEACH	Liquid, Paste, Oil Bleach	5	This does not include the preliminary softening before hair-tints
CUTTING	Thinning	10	
	Neck-trims	20	
	Complete shaping including tapering and thinning	50	
	Tailored haircut with feather edge neck line	10	
DYEING	Predisposition Test	3	
	Shampoo Tints	10	
	Aniline	15	
	Vegetable	7	
	Mineral		Theory
	Progressive		Theory
SCALP TREATMENTS	Oily Hair	5	
	Dry Hair	15	
	Falling Hair	5	
	Electrical	5	
FACIALS	Plain	20	
	Electrical	8	
	Bleach, Pack, Mask	9	
MAKE-UP	Street, Evening	30	
ARCH	Tweezing, Waxing, Depilatory	20	
COLORING	Eye Lash, Eye Brow		(Actual application of dye by student not required. Theoretical instruction, with particular reference to precautionary measures for patrons' protection.)
MANICURE	Water	75	
	Oil	12	
	Hand and Arm Bleach	5	
	Hand and Arm Massage	5	

*† For statutory and source citations, see note to §900.

(b) The curriculum for a teacher-training course in a school shall be as follows:

(1) One hundred fifty (150) hours of study under the immediate supervision of a licensed instructor of the theory of the practice of all branches of cosmetology.

(2) One hundred (100) hours of actual practice of all branches of cosmetology under the immediate supervision of a licensed instructor.

(3) Three hundred fifty (350) hours conducting practice classes in the theory and practical operations of cosmetology under the immediate supervision of a licensed instructor.

(c) The curriculum for a special manicurist course shall include the following:

(1) Attendance at the lectures on sanitation, sterilization, skin, and nail diseases delivered by the licensed physician and surgeon attached to the staff of the school.

(2) A minimum of two hundred (200) water manicures.

(3) A minimum of thirty-five (35) oil manicures.

(d) Theory classes shall be conducted on the basis of five hours a week and students shall not be permitted to leave a theory class to work on patrons while such theory classes are in progress.

(e) The daily program or programs of instructions shall be posted in a conspicuous place in each school.*†

917. Text and Reference Books. (a) In teaching, schools shall employ text and reference books approved by the Board.

(b) A list of the text and reference books approved by the Board and at least one copy of each approved text and reference book shall be available for the use of students in the school library.

(c) All students shall provide themselves with at least one of the textbooks approved by the Board.*†

918. Enrollment of Students. (a) Each student enrolling for instruction and training in a school shall be required by the school to fill out and sign an enrollment certificate on a form prescribed and provided by the Board. The date of enrollment in a school shall be the date on which student begins instruction and training.

(b) Enrollment certificates shall be filed in the office of the Board at Sacramento not later than seven (7) days after the date of enrollment.

(c) Each new student enrolled in a school for the hairdresser and cosmetician or cosmetologist course shall have the word "Freshman" stitched in colored thread in a block not less than three-fourths of an inch ($\frac{3}{4}''$) by two and one-half inches ($2\frac{1}{2}''$), upon the right breast of his uniform four (4) inches below the shoulder seam, such designation to be worn during the first three hundred fifty (350) hours of attendance.

(d) Each new student enrolled in a school for the special manicurist course shall have the word "Freshman" stitched in colored thread in a block not less than three-fourths of one inch ($\frac{3}{4}''$) by two and one-half inches ($2\frac{1}{2}''$), upon the right breast of his uniform, such designation to be worn during the first fifty (50) hours of attendance.

*† For statutory and source citations, see note to §900.

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806. For filing any application for a permit to issue securities evidencing any change in the rights, preferences, privileges or restrictions on outstanding securities, $25. (Filed April 1, 1947)

807. For any examination of advertising, the actual amount of the salary or other compensation paid to the person or persons making the examination plus the actual amount of expenses, reasonably incurred in the performance of such work. An advance of estimated cost of examination of advertising relating to securities for which no permit from the Commissioner is outstanding, by the broker filing said advertising with the Commissioner, in the amount of $10 may be required, plus any further advance deemed necessary to cover said cost of examination.

808. Before an application is filed and regarded as before the Division for action, the statutory fee must be paid thereon. All moneys received by the Division, as provided by law, are deposited pursuant to law and the current instructions of the Department of Finance. Effective July 1, 1943.

Article 34. Multiple Housing or Office Plans

812. Multiple Housing or Office Plans. An applicant for a permit to sell and issue securities in connection with a community apartment house, community office building or other multiple housing or office plan wherein it is contemplated that the purchaser of shares shall have a right of possession of one or more housing or office units shall comply with the provisions of this article.

History: New Sections 812 to 816, inclusive, filed 10-22-47 as an emergency (Register 10, No. 1).

813. An applicant shall furnish all applicable information and exhibits required by Article 2 of these rules, and in addition the following:

(a) A copy of all proposed leases, contracts of sale, deeds and other agreements to be entered into between applicant and a purchaser of securities.

(b) An affirmative showing that applicant's plan complies with all city and county ordinances and planning commission rules.

(c) An affirmative showing that applicant's plan conforms to law and that a purchaser of shares has an immediate and legally determined right under existing law to occupancy of a housing or office unit.

(d) A plan of operation of the property supported by proposed agreements that adequately protects the interests of purchasers of securities.

(e) An appraisement in accordance with the provisions of Article 11 of these rules.

814. If the property owned or to be acquired by applicant is encumbered the application will be considered with disfavor unless:

(a) The unpaid principal amount of the encumbrance does not exceed 50% of the appraised value of the property.

(b) An adequate trust is established for the payment of the amounts due or to become due under the terms of the encumbrance.

(c) The instruments of encumbrance provide for payment in advance without penalty of the pro-rata portion of the principal balance of the encumbrance assumed by a security purchaser and in such event for the severance and release of the housing or office unit of such purchaser from the terms of the encumbrance.

815. The sale of securities on an installment basis shall be subject to the provisions of Sec. 341, Article 4, of these rules.

816. Selling and organization expense including promotion shall not exceed 5% of the amount actually received from the sale of securities.

672. A broker shall not engage in the business of selling securities on the installment plan until all the forms of contracts and plans under which such business is proposed to be conducted shall have been submitted to and approved in writing by the Commissioner.

673. Satisfactory evidence of financial responsibility of an applicant for a broker's certificate shall be filed. Financial reports submitted as confidential should be so designated in writing thereon. Financial reports shall comply with the provisions of Article 10 of these rules. Additional information may be requested by the Commissioner.

674. A statutory bond satisfactory to the Commissioner for $5,000 as provided in Section 6 of the Corporate Securities Act shall be filed by an applicant for a broker's certificate. Forms of such bond may be obtained from the Commissioner.

of bona fide institutions in the need of, and soliciting, the gift of such a scientific collection.

Federal Permits

Collectors are warned that when species considered as migratory birds under the Migratory Bird Treaties with Canada and Mexico are collected, a Federal collecting permit is required in addition to the State permit. Application blanks for Federal permits may be obtained by writing to the U. S. Fish and Wildlife Service, Washington, D. C.

(Section 35, Fish and Game Code)

[Regulations of Fish and Game Commission, 3-19-42]

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144. Size Limit of Pacific Mackerel, Jack Mackerel, and Sardines. For the period commencing December 1, 1947, and ending July 31, 1948, no fisherman operating under a commercial fishing license shall take or deliver to any reduction plant, packer or any other person in the State of California a load of fish which contains 25 percent or more by number of Pacific mackerel under eleven inches in greatest length or which contains 25 percent or more by number of Jack mackerel also called horse mackerel under eight inches in greatest length or which contains 25 percent or more by number of sardines under seven inches in greatest length, or any combination of the above three species in the aggregate in which the undersized fish number more than 25 percent by number; and no person shall receive a load of fish which contains 25 percent or more by number of the aforesaid species of less than the aforesaid sizes.

NOTE—§144 issued under authority of Sections 1060 to 1077, Fish and Game Code.

History: 1. New section filed 12-2-47, as an emergency (Register 10, No. 5).

155. Rules and Regulations Regarding the Granting and Issuance of Permits to Take and Use Sardines by a Reduction Process During the 1948-1949 and Subsequent Sardine Seasons.

(a) The total tonnage to be used for reduction of whole sardines shall be announced by the Commission on or before May 15th of each calendar year. The tonnage shall be divided equally among all permits. No additional tonnage shall be granted during the course of a season beyond the total so announced.

(b) Permits will be granted only upon application. Applications for permits for the 1948-1949 sardine season must be mailed to the Fish and Game Commission prior to midnight, April 1, 1948. Subject to rules (f) and (g) and provided application is seasonably made, each plant which held a permit for the 1947-1948 sardine season will be granted a permit for the 1948-1949 season.

(c) No other permit will be granted unless the applicant appears before the Commission and satisfactorily establishes the fact that granting such a permit would promote the economic utilization of the fish resources of the State in the public interest. No permit granted under this rule after May 15th of any year will be issued until the beginning of the season following the succeeding May 15th.

(d) Permits shall not be sold, assigned, transferred, or disposed of in any manner whatsoever except with the consent of the Commission first had and obtained.

(e) Permits shall be granted or issued only to complete reduction plants. A complete reduction plant shall be independent of any other plant, except the cannery of which the plant is a part, and there will be no joint use with any other reduction plant of any machinery or equipment including, among other things, hopper, hoist, unloading facilities, scales, fish storage bins, presses, dryers, disintegrators, wet or dry, meal sacking equipment, meal storage warehouse, oil settling tanks, oil centrifuges, oil loading equipment, and steam plant, and all other equipment necessary for the unloading, weighing and processing of sardines and for the storage of the products obtained therefrom.

(f) Permits shall be issued upon the condition that a magnet of size adequate for the efficient recovery of tags is installed and operated continuously during the operation of the plant in a manner satisfactory to the Commission.

(g) All permits shall be issued subject to such additional conditions and restrictions as the Commission may elect to impose. A violation of any of the terms of these rules and regulations, or of the terms and conditions of the permit itself, or of the provisions of Division 4, Part 2, Chapter 5, Articles 2, 4, and 5 of the Fish and Game Code, shall subject the same to immediate suspension at the option of the Commission and no new or subsequent permit shall be issued to such permittee for a period not to exceed 12 months.

(h) These rules are subject to modification by the Commission at any time to conform to any decision of any of the courts of this State or to meet any conditions which, in the opinion of the Commission, warrant and justify modification of the same.

History: 1. Originally published 4-31-45 (Title 14).
2. Amendment filed 4-6-45 (Register 2).
3. Amendment filed 4-4-46 (Register 3).
4. Amendment filed 7-11-47 (Register 10, No. 5).
5. Amendment filed 1-16-48 (Register 11, No. 2).

156. Sardines, Limit of Catch for Reduction Purposes.

The Fish and Game Commission having made the findings required by Section 1068, Fish and Game Code, will grant permits to take and use sardines by a reduction process during the 1945-46 sardine season not to exceed 395,000 tons, such tonnage to be divided equally among those applicants for sardine reduction permits to whom such permits are granted.

NOTE—§156 issued under authority of Section 1068, Fish and Game Code.

164. Shad and Shad Roe, Sale of.

Shad and shad roe to be held for sale between July 15 and March 14 shall be placed in a public cold storage warehouse at the close of the season, May 31; and a non-negotiable receipt shall be issued and delivered to the Fish and Game Commission. On or after July 15 said shad or shad roe shall be released to the owner by the Fish and Game Commission. All storage charges shall be paid by the owner. On release said shad or shad roe may be sold between July 15 and March 14.

NOTE—§164 issued under authority of Section 719, Fish and Game Code.

Printed July 25, 1945

Group 8. Emergency Standards

Article 1. Emergency Standards

1565. Celery. "An additional tolerance of 10 per cent by count of the celery in any one container or bulk lot shall be permitted for stalks of celery damaged by a pithy condition from freezing or any cause in excess of that permitted for this defective condition in Section 813.5 of the Agricultural Code." (This section is effective only until suspended or rescinded by the Director of Agriculture or until the 91st day after adjournment of the next regular session of the Legislature, whichever first occurs.)

NOTE—§1565 issued under authority contained in Section 790.5, Agricultural Code.

History: New section filed as an emergency 12-22-47 (Register 10, No. 8).

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SUBCHAPTER 2. MARKETING

SUBCHAPTER 3. MARKET ENFORCEMENT

SUBCHAPTER 4. SHIPPING POINT INSPECTION (NO RULES FILED)

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Group 2. Dried Fruits and Nuts
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Article 13. Vacations

151. When entitled to vacation. After six months of continuous service, each employee in the State civil service shall be entitled to vacation on the basis of one and one-quarter working days for each month or major portion of a month of service up to the first of January next following the completion of such six months of service. Thereafter the employee shall be entitled to a vacation of fifteen days, excluding Sundays and holidays,* in each calendar year. All employees in the State civil service upon the taking effect of this rule shall be entitled to vacation for the period from the expiration of the last service year for which vacation was due until January 1, 1936, on the basis of one and one-quarter working days for each month or major portion of a month of service, and thereafter shall be entitled to fifteen days, excluding Sundays and holidays,* of vacation in each calendar year. Employees regularly engaged in part-time or intermittent work may be granted vacation on a pro rata basis.*†

* Refer to Section 150 of the Civil Service Act.

152. Accumulation. In the event an employee is not permitted to take all of the vacation to which he is entitled in any period, he shall be permitted to accumulate the unused portion to his credit, except that he shall at no time be entitled to accumulate a greater total than thirty working days; provided, however, that until ninety days after the board determines that the present war emergency no longer exists, an employee may accumulate to a maximum of forty-five working days. In any calendar year an employee shall not be permitted to take a total of more than thirty working days of vacation.*† (Amended July 8, 1944.)

153. Time when granted. The time at which the employee shall be granted a vacation is in the discretion of the appointing power. In the event the appointing power does not provide for a vacation for an employee for two successive years, he may take, as a matter of right, not more than fifteen days of accumulated vacation at the end of the second of such successive calendar years. The remaining balance which may at that time be to his credit may be forwarded to the next year.*†

154. After separation from service. When an employee is separated from the service without fault on his part and has not been granted his vacation, he shall be entitled to unused portions of vacation accumulated from the previous years and to vacation on the basis of one

*† For statutory and source citations, see note to §1.

and one-quarter days for each month or major portion of a month of service from the first of the calendar year until the date of his separation, but not to exceed thirty working days; provided, however, that until ninety days after the board determines that the present war emergency no longer exists, such an employee shall be entitled to a total of not to exceed forty-five working days.*† (Amended July 8, 1944.)

155. Records. The appointing power shall keep proper records and schedules of vacations granted and shall make such reports to the board as may from time to time be required concerning the vacation granted or due each employee in the State civil service.*†

Article 14. Leave of Absence

161. When granted. Leave of absence without pay may be granted to a permanent civil service employee or a probationer who immediately preceding his appointment to his present position held permanent civil service status in some other class, upon the written request of the employee, the recommendation of the appointing power, and with the approval of the board, subject to the following restrictions as to:

(a) Length. Leave of absence without pay may be granted for a period not to exceed three months. If, at the end of a three months' leave, the conditions are such as to warrant an extension of the leave, the board may, at the request of the employee and on the recommendation of the appointing power, approve an extension for another three months' period or less. The total leave of absence granted (including original leave and possible extensions) shall in no case exceed one year, except in case of a leave to enter the military service of the United States, unless the circumstances are, in the judgment of the board, so special as to warrant a longer leave.

(b) Reason. A leave of absence will be granted an employee, provided he meets all other requirements set forth in this rule, who desires to attend school or college or to enter training to improve the quality of his service, who enters the military service of the United States, who is temporarily incapacitated by illness, or who presents some other reason equally satisfactory.

(c) Right to return. The granting of a leave of absence without pay gives to the employee the definite and absolute right to return to his position at the expiration of his leave of absence and the privilege of returning to his position before that date with the approval of the appointing authority. Therefore, a leave of absence shall be granted only to an employee who desires the privilege of returning to his position in the service. The reinstatement and employment of a person under Section 152.5 of the act shall have precedence over the reinstatement and employment of a person granted leave to engage in civilian war work. A leave of absence shall not be granted to an employee who is accepting some other position in the service, or who is leaving the service to enter other employment except that an employee may be granted a leave of absence who is being loaned to another governmental agency for the performance of a specific assignment or who is accepting employment in civilian war work.

*† For statutory and source citations, see note to §1.

Article 16. Reduction in Force; Lay-off

202. When lay-offs may be made. Whenever it is necessary because of lack of work or lack of funds, or whenever it is advisable in the interests of economy, to reduce the staff of any department or agency in the service, the appointing power may with the approval of the board lay off employees according to the procedure set forth herein.*†

203. Duties may be transferred to other employees. The duties performed by the employee or employees so laid off may be assigned to any other permanent civil service employee or employees in the department or agency, who in the opinion of the board are qualified to perform such duties regardless of the specific classification or grade to which such employees are allocated.*†

204. Limitations as to actions. Any action brought against the appointing power or the board by an employee laid off must be brought

*† For statutory and source citations, see note to §1.

369. Failure to Return. The failure of an employee to return to his position at the termination of a leave of absence is an automatic resignation from state service, and the employee shall have the rights prescribed by Section 19503 of the Act.

Article 17. Vacations

For the general statutory provisions on this subject, refer to Section 18050 of the Act and sections following.

381. Initial Computation. After six months of continuous service, each employee in the state civil service shall be entitled to vacation on the basis of one and one-quarter working days for each month or major portion of a month of service up to and including the last day of December next following the completion of such six months of service. Thereafter, the employee shall be entitled to the vacation provided by Section 18050 of the Act.

382. Pro Rata Basis. Employees regularly engaged in part-time or intermittent work shall be granted vacation on a pro rata basis.

383. Accumulation. In the event an employee is not permitted to take all of the vacation to which he is entitled in any calendar year, he shall be permitted to accumulate the unused portion to his credit; provided, however, that he shall at no time be entitled to accumulate a greater total than 30 working days in addition to vacation to which he is entitled for the current calendar year, except as he may have accumulated additional days under rules of the board previously in effect. Prior to January 1, 1950, each employee having such additional days shall be allowed, in addition to vacation otherwise provided by law, to take such number of days of accumulated vacation as may be necessary for him to reduce his accumulated vacation to not more than 30 working days. In the event the appointing power does not provide for such additional vacation, the employee may take them as a matter of right in one continuous period immediately preceding January 1, 1950, or any vacation period taken under Rule 384. Failure of the employee to take such additional accumulated days shall constitute a waiver as of January 1, 1950, of all accumulated vacation in excess of 30 working days.

Upon separation from service without fault on his part an employee shall be paid for his accumulated vacation and for vacation earned but not taken during the current calendar year on the basis of one and one-quarter working days for each month or major portion of a month of service. Persons separated from service through fault of their own shall be paid such part of accumulated and current vacation as the Executive Officer or the Board may determine.

History: 1. Originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Amendment filed 1-13-48 (Register 11, No. 2).

384. Right to Vacation. In the event the appointing power does not provide a vacation for an employee for two successive years, the employee may take, as a matter of right, not more than 15 days of accumulated vacation immediately preceding the end of the second of such successive calendar years, the balance of his accumulated vacation to remain to his credit.

385. Records. The appointing power shall keep proper records and schedules of vacations accumulated and granted and shall make such reports thereof to the Executive Officer as he may from time to time require.

386. Transfer of Vacation. When an employee leaves the employment of one state agency and enters the employment of another state agency without a break in service, his accumulated vacation time as of the date he enters the new position becomes a charge against the latter state agency.

NOTE—§ 386 issued under authority contained in Section 18051, Government Code.

History: New section filed 12-23-47 (Register 10, No. 8).

Article 18. Sick Leave

For the general statutory provisions on this subject, refer to Section 18100 of the Act and sections following.

401. Definitions. As used in this article, "sick leave" means the absence from duty of an employee because of his illness or injury, his exposure to contagious disease, his attendance upon a member of his immediate family who is seriously ill and requires the care or attendance of the employee, or death in the immediate family of the employee. "Member of his immediate family" means the mother, father, husband, wife, son, daughter, brother, or sister of the employee, or any person living in the immediate household of the employee.

History: 1. Originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Amendment filed 1-13-48 (Register 11, No. 2).

402. How Granted. The sick leave provided by Section 18100 of the Act is granted by the Executive Officer's approval after the appointing power's certification thereof to the Executive Officer.

403. Accumulation.

History: 1. §§403, 404 and 405 originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Repealer filed 12-23-47 (Register 10, No. 8).

404. Prolonged Sickness.

405. Reimbursement for Injury.

406. Evidence of Sickness. Either the appointing power or the Executive Officer or both may require a physician's certificate or other evidence to substantiate an employee's request for sick leave.

History: 1. Originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Amendment filed 12-23-47 (Register 10, No. 8).

407. Reports. Sick leave shall be certified by the appointing power upon forms prescribed by the Executive Officer.

408. Family Care and Deaths. Not more than five days of sick leave within any calendar year may be granted to an employee for the care of or attendance upon members of his immediate family. Not more

than five days of sick leave may be granted to an employee for each absence due to death of members of his immediate family.

History: 1. Originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Amendment filed 1-13-48 (Register 11, No. 2).

409. Appeal. An employee may appeal to the Board from the failure or refusal of the appointing power to certify a request for sick leave.

Article 19. Transfer

For the general statutory provisions on this subject, refer to Section 19360 of the Act and sections following.

425. To Another Agency. A transfer as provided by Section 19363 of the Act may be made if the transfer is: To a position of the same or a comparable class; requested in writing by the appointing power under whom exists the position to be filled; approved in writing by the appointing power by whom the employee was theretofore employed; and approved in writing by the Executive Officer.

Article 20. Separations From Service

For the general statutory provisions on this subject, refer to Section 19500 of the Act and sections following.

445. Resignation From State Service. An employee may resign from state service by submitting his written resignation to the appointing power. A copy of such resignation shall immediately be filed by the appointing power with the Board.

Article 21. Layoff and Demotion

For the general statutory provisions on this subject, refer to Section 19530 of the Act and sections following.

451. Method of Layoff. To determine the relative combined score for efficiency and seniority under the provisions of Section 19534 of the act, the following rule shall be used: The rating to be given for seniority shall be computed as provided by Section 19533 of the act and the rating to be given for efficiency shall be the score appearing on the employee's last report of performance due prior to the layoff. When a person has the absolute right to return to his former position in the state civil service, the time he spent on military leave during the emergency period specified in Section 19390 of the act shall, upon his return to state service within the period allowed for return from military leave, be considered as time spent in state service for the purpose of computing seniority rights for layoff purposes. Except for time spent in a purely educational program, "time spent on military leave" includes rehabilitation afforded by the United States Government following military service.

History: 1. Originally published 3-22-45 (Title 2).
2. Revision filed 4-11-47 (Register 7).
3. Amendment filed 12-23-47 (Register 10, No. 8).

452. Layoff by Subdivision. With the approval of the Executive Officer, only the employees of a designated geographical, organizational,

or functional subdivision of a state agency need be considered for layoff. A reemployment list shall be established for each such subdivision.

453. Noncivil Service Employees. No state civil service employee shall be laid off from any position while any employee serving under temporary or limited term appointment is retained in any position of the same class in the unit affected by the layoff.

454. Probationer. No distinction shall be made between a probationer and a permanent employee when making layoffs.

455. Procedure. In making layoffs, the appointing power shall first confer with the Executive Officer regarding the designation of the subdivision, if any, to be considered and shall obtain from the Executive Officer a list of the civil service employees who will be affected by the layoff, together with the combined score for efficiency and seniority of each such employee. The appointing power shall then notify the employee or employees to be laid off and shall immediately thereafter render a written report to the Executive Officer on such form as he may prescribe, such report to state the name or names of the employees so laid off and the reasons therefor.

(Register 12, No. 1—4-3-48)

State of California

California Administrative Register 12, No. 1

(April 3, 1948)

Amendments and Additions to Rules and Regulations of

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Title 3. Agriculture

Title 5. Education

Title 14. Fish and Game

Title 16. Cosmetology

Title 18. Bank and Corporation Franchise Tax Corporation and Income Tax

Title 22. Employment

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California Administrative Code

Title 1. General Provisions

(Revision Printed November 1, 1947)

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CALIFORNIA ADMINISTRATIVE CODE

Title 16. Contractors' State License Board

Cross Reference Table No. 1 indicates the origin of each section of the code. Cross Reference Table No. 2 indicates the disposition in the code of the former sections of the Rules and Regulations issued by said board.

Cross Reference Table No. 1

Origin of California Administrative Code

California Administrative Code Section	*Origin Rules and Regulations of Contractors' State License Board Rule*	*California Administrative Code Section*	*Origin Rules and Regulations of Contractors' State License Board Rule*
700	21	745	52.18
701	22	746	52.19
706	30	747	52.20
707	30.1	748	52.21
708	30.2	749	52.22
709	31	750	52.23
710	32	751	52.24
711	32.1	752	52.25
712	33	753	52.26
713	34	754	52.27
714	35.1	755	54
715	36	756	54.1
716	36.1	757	54.2
717	37	758	54.3
718	37.1	759	54.4
719	38	764	60
720	38.1	765	61
721	38.2	766	61.1
722	38.3	767	61.2
723	39	768	61.3
724	39.1	769	61.4
725	39.3	770	61.5
726	39.4	771	61.6
730	50	772	61.7
731	52	773	62
732	52.4	774	63
733	52.5	775	63.1
734	52.6	780	70
735	52.7	781	71
736	52.8	782	71.1
737	52.10	783	71.2
738	52.11	784	71.3
739	52.12	785	71.4
740	52.13	786	72
741	52.14	794	80
742	52.15	795	81
743	52.16	796	81.1
744	52.17	797	81.2

Cross Reference Table No. 2

Disposition of former sections of the said rules and regulations in the California Administrative Code.

Rules and Regulations of Contractors' State License Board Rule	*California Administrative Code Section*	*Rules and Regulations of Contractors' State License Board Rule*	*California Administrative Code Section*
21	700	52.15	742
22	701	52.16	743
30	706	52.17	744
30.1	707	52.18	745
30.2	708	52.19	746
31	709	52.20	747
32	710	52.21	748
32.1	711	52.22	749
33	712	52.23	750
34	713	52.24	751
35.1	714	52.25	752
36	715	52.26	753
36.1	716	52.27	754
37	717	54	755
37.1	718	54.1	756
38	719	54.2	757
38.1	720	54.3	758
38.2	721	54.4	759
39	723	60	764
39.1	724	61	765
39.3	725	61.1	766
39.4	726	61.2	767
50	730	61.3	768
52	731	61.4	769
52.4	732	61.5	770
52.5	733	61.6	771
52.6	734	61.7	772
52.7	735	62	773
52.8	736	63	774
52.10	737	63.1	775
52.11	738	70	780
52.12	739	71	781
52.13	740	71.1	782
52.14	741	71.2	783
		71.3	784
		71.4	785
		72	786
		80	794
		81	795
		81.1	796
		81.2	797

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the questions shall go beyond that provided for in paragraph I of this rule.*†

766. Types of Examinations. There shall be two principal kinds or types of examinations; a "specific" examination, which is the examination approved and prescribed for a particular classification, and a "blanket" examination, which is an examination approved and required for several or a group of classifications.*†

767. "Specific" and "Blanket" Examinations Approved. The Board, by resolution duly adopted, has approved and prescribed "specific" examinations and alternates for the following classifications:

General Heavy Construction Contractor
General Building Contractor
Electrical Contractor
Plumbing Contractor
Painting and Decorating Contractor
Plastering Contractor
Roofing Contractor
Tile Contractor
Structural Pest Control Contractor

and has approved and prescribed a "blanket" examination, with alternates, for all other classifications and subclassifications.*† (Filed 9-18-47; effective 9-18-47)

768. Preparation and Approval of Examinations. The registrar shall, when directed by the Board, and shall from time to time on his own initiative as necessity or opportunity arises therefor, cause examinations to be prepared for the several classifications of contractors as set forth in Article 4 of these rules, and shall submit such examinations to this Board for approval, adoption and inclusion in the list of examinations given by this Board.*†

769. Registrar to Require Examination of Applicants. As other "specific" examinations are approved and prescribed by resolution or other action of the Board for classifications for which no "specific" examination is by these rules prescribed, the registrar shall require applicants for licenses in such classifications to take and successfully pass such approved and prescribed "specific" examinations as a condition to the issuance of a license.*†

770. Registrar May Change Written Examinations. The registrar is authorized and empowered, without first obtaining the approval of the Board, to substitute for, eliminate or change any question or problem in any examination or any answer thereto or relative marking thereof approved by the Board if, in his opinion, the question or problem, or the relative grading thereof, is found to be misleading, unfair, or the approved answer thereto wholly or partially incorrect. Such substitution, elimination or change shall be submitted to the Board for its consideration and approval at the next meeting following such change.*†

771. Applicants May Be Re-examined. Under rules, regulations and orders promulgated by the registrar, applicants failing to attain a passing grade upon an examination may, upon the payment of the required re-examination fee and the filing of the prescribed reapplication form, be re-examined.*†

*† For statutory and source citations, see note to §700.

772. Grading of Examinations. All examinations shall be graded as follows:

Examinations shall be graded upon a total of 100 credits, which credits shall be apportioned as follows:

Part I—50 credits. Part II—50 credits.

A grade of 75 credits shall be a minimum passing grade for any examination. No examinee shall be deemed to have attained a passing grade unless such examinee shall have attained a grade of not less than 37.5 credits in Part I and 37.5 credits in Part II of the examination. When an examinee shall have failed to attain a grade of 37.5 either in Part I or in Part II of any examination, such examinee shall be required to submit to reexamination in that part of the examination wherein a minimum grade of less than 37.5 shall have been attained. (Filed 3-17-47; effective 3-17-47)

773. Registrar May Make Rules on Examination Procedure. The registrar shall adopt procedures and promulgate and issue such rules and regulations, orders or bulletins supplementary but not contrary to policies and rules announced herein, as he shall deem necessary and proper to put said examinations into effect and to carry out said rules and policies, and in connection therewith he shall fix the time to be allotted to examinees, the time and place the examinations shall be given, the manner and conditions under which they shall be given, procedures by which re-examinations may be applied for and given, and the manner and conditions under which examinees may question the result of the examination. Such executive orders shall be integrated with the fiscal, application, classification and renewal policy and procedure announced, followed or prescribed by this Board.*†

*† For statutory and source citations, see note to §700.

the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science, and skill to intelligently drill, case, cement and clean, oil or water wells, or any combination of any, or all, such drilling, casing, cementing and cleaning operations, with the use of cable, rotary or diamond drill tools, or any combination of any, or all such drilling tools, in such a manner that, under an agreed specification, acceptable well drilling can be executed; including the boring of test holes, or the taking of cores, or both, for geological studies and other sub-surface investigations concerning foundation and other materials in connection with the erection and construction of buildings and structures, the digging of wells by hand or powered tools, the lining of dug wells with brick or stone, and the installation of temporary well testing or cleaning pumps; but shall not include the installation of permanent pumps, the building of well rigs, windmills, pipe lines, pump houses or any other structure or appurtenance necessary to the use and operation of such oil or water wells.*†

752. Class C-21—House and Building Moving, Wrecking Contractors. A house and building moving, wrecking, contractor is a specialty contractor whose principal contracting business is the execution of contracts requiring the art, ability, experience, knowledge, science, and skill to intelligently raise, crib, underpin, and move or remove buildings and structures so that alterations, additions, repairs and new substructures may be built, constructed and completed under the existing permanently retained portions of such building or structure as remains undisturbed after being raised, cribbed or underpinned, including the complete rehabilitation thereof and the alterations and additions thereto, either upon the present site, or upon another site to which such building or structure may be removed, including the wrecking and demolition of buildings and structures in such a manner that house and building moving, wrecking and demolition can be executed and completed.*† (Filed 9-18-47; effective 9-18-47)

753. Class C-22—Structural Pest Control Contractor. A structural pest control contractor is a specialty contractor whose principal contracting business is the execution of structural pest control contracts requiring a practical working knowledge of the life-cycles, habits and habitat of the economically important wood-destroying organisms and the art, ability, experience, science and skill to intelligently crib, shore, underpin, alter, repair, reconstruct and rehabilitate wooden buildings and structures in such a manner that under an agreed specification acceptable structural pest control work can be executed and completed; including the use of any number of unrelated building and construction crafts or trades only in connection therewith; but shall not include the work of those contractors whose principal contracting business is the erection of buildings and structures in their entirety from the beginning, as in these rules provided, which are: General Heavy Construction Contractor, Class A, or General Building Contractor, Class B-1.*†

754. Class C-56—Waterproofing, Weatherproofing and Damp-Proofing Contractors. A waterproofing, weatherproofing and dampproofing contractor is a specialty contractor whose principal contracting

*† For statutory and source citations, see note to §700.

business is the execution of contracts usually subcontracts requiring the art, ability, experience, knowledge, science and skill to intelligently examine concrete, coursed and random masonry surfaces and specify the preliminary and preparatory work necessary to bring such surfaces to a condition where under an agreed specification acceptable work can be executed thereon, the sole purpose of such work being the sealing, waterproofing, weatherproofing and damp-proofing of surfaces in such a manner as to prevent, hold, keep and stop water, solutions, and vapors from penetrating or passing the protective material, membrane, seal or surface and thereby gaining access to material or space beyond the waterproofing, weatherproofing or damp-proofing material, membrane or seal, with the use of any or all of the following: Asphaltum, cement, pitch, tar, felt, flax, oakum and such other materials as are used for the sole purpose of waterproofing, weatherproofing and damp-proofing and not to improve the appearance of the surface, either incidentally, by intent or otherwise; but shall not include the work of a painting and decorating contractor or that of a roofing contractor, as in these rules provided, or that of a contractor whose sole contracting business is the installation of devices or stripping for the internal control of external weather conditions.*† (Filed 9-18-47; Effective 9-18-47)

754.1. Class C-4—Boiler, Hot-Water Heating and Steam Fitting Contractors. A boiler, hot-water heating and steam fitting contractor is a specialty contractor whose principal contracting business is the execution of contracts requiring the art, ability, experience, knowledge, science and skill to intelligently install fire-tube and water-tube steel power boilers and hot-water heating low pressure boilers, including all steam fitting and piping, hot-water piping, fittings, valves, gauges, pumps, radiators, convectors, fuel oil tanks, fuel oil lines, chimneys, flues, heat insulation and all other devices, apparatus and equipment appurtenant thereto, in such a manner that power boiler installations, hot-water heating systems and steam fitting can be executed, fabricated and installed, or to do any part, or any combination of any thereof.*† (Filed 9-18-47; Effective 9-18-47)

754.2. Class C-45—Electrical Sign Contractors. An electrical sign contractor is a specialty contractor whose principal contracting business is the execution of contracts requiring the art, ability, experience, knowledge, science and skill to intelligently fabricate, install and erect electrical signs, including the wiring of such electrical signs.*† (Filed 9-18-47; Effective 9-18-47)

754.3. Class C-11—Elevator Installation Contractors. An elevator installation contractor is a contractor whose principal contracting business is the execution of contracts, requiring the art, ability, experience, knowledge, science and skill to intelligently fabricate, erect and install sheave beams, motors, sheaves, cable and wire rope, guides, cab, counter-weights, doors, including sidewalk elevator doors, automatic and manual controls, signal systems, and all other devices, apparatus and equipment appurtenant to the safe and efficient installation and operation of electrical, hydraulic and manually operated elevators.*† (Filed 9-18-47; Effective 9-18-47)

*† For statutory and source citations, see note to §700.

754.4. Class C-42—Sewer, Sewage Disposal, Drain Cement Pipe Laying Contractors. A sewer, sewage disposal, drain and cement pipe laying contractor is a specialty contractor whose principal contracting business is the execution of contracts requiring the art, ability, experience, knowledge, science and skill to intelligently fabricate concrete and masonry sewer, sewage disposal and drain structures and lay cast-iron, steel, concrete, vitreous and nonvitreous pipe for sewers, sewage disposal, drains and irrigation, including the excavating, grading, trenching, backfilling, paving and surfacing only in connection therewith; the fabrication and erection of sewage disposal plants, cesspools and septic tanks and the appurtenances thereto, in such a manner, that sewers, sewage disposal, drains and cement pipe laying can be fabricated and installed.*† (Filed 9-18-47; Effective 9-18-47)

754.5. Class C-50—Reinforcing Steel Contractors. A reinforcing steel contractor is a specialty contractor whose principal contracting business is the execution of contracts requiring the art, ability, experience, knowledge, science and skill to intelligently fabricate, place and tie steel reinforcing bars (rods), of any profile, perimeter, or cross-section, that are or may be used to reinforce concrete buildings and structures, in such a manner that steel reinforcing bar (rod) work for concrete buildings and structures can be fabricated, placed and tied.*† (Filed 9-18-47; Effective 9-18-47)

754.6. Class C-51—Structural Steel Contractors. A structural steel contractor is a specialty contractor whose principal contracting business is the execution of contracts requiring the art, ability, experience, knowledge, science and skill to intelligently fabricate and erect structural steel shapes and plates, of any profile, perimeter or cross-section, that are or may be used as structural members for buildings and structures, including riveting, welding and rigging only in connection therewith, in such a manner that structural steel work can be fabricated and erected.*† (Filed 9-18-47; Effective 9-18-47)

754.7. Class C-60—Welding Contractors. A welding contractor is a specialty contractor whose principal contracting business is the execution of contracts requiring the art, ability, experience, knowledge, science and skill to intelligently use gases and electrical energy to create temperatures of sufficient heat to cause metals to become permanently affixed, attached, joined and fabricated in such a manner that welding can be executed.*† (Filed 9-18-47; Effective 9-18-47)

754.8. Class C-2—Insulation Contractors. An insulation contractor is a specialty contractor whose principal contracting business is the execution of contracts requiring the art, ability, experience, knowledge, science and skill to intelligently install any insulating media, in buildings and structures, for the sole purpose of temperature control, in such a manner that building and construction insulation can be executed and installed; but shall not include any work other than those processes solely incident to the installation of the insulating media.*† (Filed 9-18-47; Effective 9-18-47)

*† For statutory and source citations, see note to §700.

755. "Primary" and "Supplemental" Classifications. A licensee may be licensed in more than one classification. The classification in which his principal business falls and which is assigned to him by the registrar as his main or principal classification shall be known as his "primary" classification. Any other classification or classifications in which he is classified and licensed shall be known as his "supplemental" classification or classifications.*† (Filed 10-20-45)

756. Assignment of "Primary" Classification. Each applicant for an original license, filed on or after December 15, 1941, shall give in his application form a complete statement of the general nature and type of contracting in which he intends to engage, and the "primary" classification in which he desires to be classified and licensed. When an applicant has met all prequalifying requirements for such desired "primary" classification, the registrar shall issue a license to him in such "primary" classification. Such "primary" classification and any "supplemental" classifications for which the licensee has qualified and has been licensed shall be designated upon the permanent license certificate, as well as upon the pocket certificate issued to him.*†

757. No "Supplemental" Classification Where No Special Examination. The Registrar may refuse the request of a licensee to be classified in one or more "supplemental" classifications for which no specific examination is then required, if, in his opinion, the request to be so classified is inimical to the announced policy of the Board and the effective and practical operation of the Board's program of classification and prequalification.*† (Filed 9-18-47; Effective 9-18-47)

758. Changes in Classification. Any licensee licensed after December 15, 1941, desiring to change the "primary" classification assigned to him, may request the registrar in writing for such change, and the registrar, upon the filing of said request or upon his own motion, may, after investigating the grounds and reasons for such request for reclassification, order such change as he deems proper and consistent with the policies and rules of the Board; provided, however, except as hereinafter provided, no change shall be made in the "primary" classifications of such a licensee to a classification for which a "specific" prequalifying examination is required unless the licensee has taken and successfully passed such required examination.

The registrar may make such reasonable regulations and orders as he deems advisable concerning the times, places and manner in which a licensee may apply for reclassification or for "supplemental" classifications.*†

759. Waiver of Reclassification Examinations. The registrar may waive the requirement of reclassification examination upon a conclusive showing by affidavit, or any other means that the registrar might direct, that 50 percent or more of applicant's contracting business for the two years immediately preceding the filing of his application for reclassification has been in the classification in which applicant seeks to be reclassified, or that applicant possesses the necessary skill and experience to engage in said classification and that to require the taking and

*† For statutory and source citations, see note to §700.

CHAPTER 8. CONTRACTORS' STATE LICENSE BOARD

Printed December 5, 1946

Article		Article	
1.	General Policies of Enforcement	4.	Examinations
2.	Application for License	5.	Renewal of Licenses
3.	Classification	6.	Miscellaneous

700. Authority for Law in Police Powers. Recognizing that the source of the authority vested in it by Legislature to adopt rules and regulations to enforce the Contractors' License Law is derived from the police powers granted by the state and federal constitutions, the Board declares its general policies in the enforcement of said law as follows:

NOTE.—§§700 to 797, inclusive, issued under authority contained in Section 7008, Business and Professions Code. Source of §§700 to 797, inclusive, is the Rules and Regulations of the Contractors' State License Board.

701. Purpose of Law-Protection, Health and Safety of Public. The Board interprets the primary intent of the Legislature in enacting Chapter 9, Division III of the Business and Professions Code to be the protection of the health, safety, and general welfare of all those persons dealing with persons engaged in the building contracting vocation, and the affording to such persons of an effective and practical protection against the incompetent, inexperienced, unlawful and fraudulent acts of building contractors with whom they contract. All rules, regulations or orders adopted by the Board or its registrar shall be interpreted and construed in light of the policies announced herein.*†

Article 2. Application for License

706. Application Form for Original License. All applications for an original contractor's license shall be made in writing upon a form to be prescribed by the registrar, but which form shall be designed to seek from the applicant the following information:

(a) A complete statement of the general nature of the applicant's contracting business.

(b) A concise statement of the classification or classifications under which the applicant desires to be qualified as a contractor.

(c) If the applicant is an individual, his name and address; if a copartnership, the names and addresses of all partners; if a corporation, association or other type of organization, the names and addresses of the president, vice president, secretary, and chief construction managing officer or officers or responsible managing employee, the name and address of the responsible managing employee or other person qualifying by examination for applicant. For the purpose of this article, any persons in any of the capacities set forth in this rule shall be deemed to be members of the personnel of applicant.

(d) A record of the previous experience of applicant (or responsible managing employee) in the field of construction.

*† For statutory and source citations, see note to §700.

(e) Whether applicant or applicant's personnel or anyone with whom he or his personnel has been associated in the contracting vocation has ever been licensed or had a professional or vocational license refused or revoked, or has surrendered or failed to renew a license when either informal or formal complaints against his license were pending with the Board.

(f) Whether applicant is covered by a policy of compensation insurance; the name of insurer; the number and expiration date of the policy.

Nothing contained herein shall be construed to limit the registrar's authority to seek from an applicant such other information pertinent to the character, experience and past and future methods of doing business as may be deemed necessary in order to pass upon the applicant's qualifications.*†

707. All Members of Applicant to Furnish Information. Each member of the personnel of an applicant shall furnish the information requested in the prescribed application form.*†

708. Signing and Verification of Application. Every application for a license shall be signed, if an individual, by the individual applying; if a copartnership, by each copartner; if a corporation or other organization, by its president, vice president (if there is a vice president), and secretary, and all other persons concerning whom information is given in the application form. If applicant intends to qualify by examination through a responsible managing employee, such employee shall also sign the application. All persons signing the application shall swear to the truth of the statements contained therein before a notary public, or the other person authorized to administer oaths, or the registrar or members of his staff authorized by him to administer oaths.*†

709. Furnishing References. Every applicant entity must furnish three signed references, upon a form prescribed by the registrar, from contractors, architects or engineers who hold valid licenses under the California Contractors' License Board, California State Architectural Examiners or State Board of Registration for Civil Engineers. One of the three letters must be from a licensed contractor holding the same classification in which the applicant is applying. Each letter must cover a period of not less than one year and must be based on other than personal friendship and must not be from relatives.*†

710. Power of Registrar to Deny Insufficient Applications. Except as hereinafter provided, each applicant for a contractor's license shall, before a license may be issued to him, give the information required in the application form as prescribed by the registrar, and furnish the references required. The registrar is hereby expressly authorized to refuse the issuance of a license to any applicant who wilfully fails or refuses to give the information so requested, or to furnish the required signed references.*†

711. Rejection of Insufficient Applications. Incomplete or insufficient applications shall be returned to the applicant with the tendered fee, and the reason for such rejection made known to the applicant.*†

*† For statutory and source citations, see note to §700.

Group 2. Clinical Laboratory Regulations

Article
1. Examinations for Licenses
2. Revocation of Certificates
Article
3. License

Article 1. Examinations for Licenses

1030. Examination for Technologists' Licenses. The examinations for certificate and license as clinical laboratory technologist shall be given in the four subjects of bacteriology, serology, biochemistry (including hematology) and parasitology. The prerequisites for admission to the examination shall be either of the following:

Either: (a) Provide proof satisfactory to the Department that the applicant is a lawful holder of a degree of Bachelor of Arts or Bachelor of Science or equivalent degree as approved by the Department, from a college or university approved by the Department. The major work for such degree shall be in the fundamental medical sciences with major work in one or more of the following subjects:

(1) Medical technology, biochemistry, bacteriology or parasitology or equivalent subjects as may be determined by the Department, and such university work including resident standard courses in inorganic and organic chemistry, biology, physics, medical bacteriology, serology, biochemistry, hematology and medical parasitology, and a minimum of five years' experience after graduation from college as a technician doing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory approved by the Department; or

(2) A minimum of ten years' experience as a responsible technician doing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory approved by the Department, except that university work which includes courses in the fundamental sciences may be substituted to a maximum of four years for such experience in the ratio of 30 semester hours for each year of experience.

NOTE.—§§1030 to 1047, inclusive, issued under authority contained in Sections 208, 1218 to 1228, inclusive, Health and Safety Code. Source of §§1030 to 1047, inclusive, issued by the State Department of Public Health.

1031. Examinations for Technicians' Licenses. The examinations for licenses to work in a clinical laboratory as a technician shall cover the field of the four subjects of bateriology, serology, biochemistry (including hematology) and parasitology. If the examination is passed the applicant will receive a certificate and license entitling the holder to engage in any and all the activities of a clinical laboratory.

The prerequisites for entrance into the examination shall be either of the following:

(a) Completion of a regular four year college curriculum in medical or clinical laboratory technic with a degree of A. B. or B. S. in a college or university approved by the Department, the last year of which course shall have been primarily clinical laboratory procedure; or

*† For statutory and source citations, see note to §1030.

(b) Graduation from college with a degree of A. B. or B. S. and a major in bacteriology, biochemistry or essentially equivalent subject or subjects as may be determined by the Department plus one year of apprenticeship training in a clinical laboratory approved by the Department. A year apprenticeship training in a public health laboratory may be accepted if the apprenticeship or university course included practical work in clinical biochemistry and hematology;

(c) A minimum of five years experience as a technician or apprentice doing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory approved by the Department, except that university work which includes courses in the fundamental sciences may be substituted to a maximum of four years for such experience in the ratio of 30 semester hours for each year of experience; provided, however, that until January 1, 1948, a minimum of three years experience as defined in this Section shall be considered as fulfilling the requirements and provided, further, that until January 1, 1948 three years of college with major work in the physical or biological sciences shall be credited as one year's experience.*†

1032. Supervision of More Than One Laboratory by One Person. No person licensed to operate a clincal laboratory shall operate more laboratories than he can actually supervise by personal daily visits.*†

1033. Apprentices. (a) Clinical laboratory directors may receive into the laboratory for purposes of instruction individuals who are as yet untrained in laboratory procedures and may use their services in any proper manner, but apprentices shall not be intrusted with any examinations excepting under the immediate supervision of the technologist or physician director of the laboratory or of a licensed technician.

No clinical laboratory may receive or employ an unlicensed person under that provision of Chapter 804 Statutes 1937 applying to apprentices unless provision adequate in the opinion of the Director is made for a reasonable amount of didactic instruction during the apprenticeship and the opportunity to become familiar with all the procedures used in the laboratory. No laboratory may accept persons for apprenticeship unless the field of activities of that laboratory includes all of the following activities:

(1) Blood cultures, blood counts, blood differential counts, blood sugar and urea estimations, hemaglobin estimations, gastric analyses, urine analyses, urine sediment examinations, microscopic examinations of feces, serological precipitation and agglutination tests, metabolism tests.

(b) The number of apprentices in a laboratory shall not exceed the following ratios to technicians:

(1) A laboratory having not more than one fully licensed technician may have one apprentice only.

(2) A laboratory with two or more fully licensed technicians or technologists may have two apprentices.

(c) Apprentices shall not be left in charge of a laboratory or given authority to make any examinations or tests during the absence of the technologist or physician and a licensed technician unless such licensed

*† For statutory and source citations, see note to §1030.

technician, licensed physician or technologist be within immediate call on the premises. The making of tests by apprentices in the absence of the technologist or physician and a licensed technician with their knowledge or consent shall be cause for revocation of the license of the person in charge.

(d) Any person holding a limited license without examination or holding certificates in less than three subjects shall be considered as occupying the status of an apprentice in work for which he does not hold a license. The presence of such a partially certified person in a laboratory does not conflict with subsection (b) relating to the number of apprentices. Limited licenses secured without examination do not entitle the holder to work in a city or county public health laboratory.

(e) The discontinuance of an apprentice, and also the acquisition of a new apprentice, must be reported to the State Division of Laboratories, giving the name of such apprentice and the date of severance or commencement, as the case may be.*†

NOTE.—It is recommended that laboratory directors require of apprentices in addition to high school graduation at least two years of college, including courses in bacteriology and chemistry.

1034. Fees for Examinations and Certificates.

(a) **Clinical Laboratory Technologist.** The fee for the examination for the certificate as clinical laboratory technologist shall be $4, payable with application and not returnable in case of failure. If the applicant passes, an additional $6 must be paid before the certificate is issued. The annual fee for license as clinical laboratory technologist shall be $10 for each year following the calendar year in which the certificate was issued and payable within 60 days after the commencement of each calendar year.

(b) **Certificates and Licenses for Technicians.** The fee for the examination for the certificate as clinical laboratory technician shall be $4, not returnable in case of failure. The fee for examination in single subjects is $2 not returnable in case of failure. Technicians' licenses issued under the blanketing-in provision of Chapter 804 must be renewed annually by payment of a fee of $1. A license in one subject obtained by examination must be renewed annually by payment of a fee of $1; licenses in two subjects held by the same individual, $1; licenses in three subjects, $1.50; license as clinical laboratory technician, $1.*†

Article 2. Revocation of Certificates

1039. Revocation of Certificates. Both certificates and licenses issued by the Board may be revoked for the following reasons:

(a) Failure to pay the annual renewal fee within 60 days after January 1.

(b) Upon proof of conduct involving moral turpitude or dishonest reporting of tests.

(c) Upon proof that the holder has violated the Rules and Regulations of the State Board of Public Health.*†

*† For statutory and source citations, see note to §1030.

1040. Procedure for Revocation. The procedure for revocation of a certificate shall be as follows:

(a) The Chief of the Division of Laboratories or other interested person shall prepare a statement of the charges which shall be forwarded to the Director of the Department. The Director of the Department shall send a copy of the charges to the defendant by registered mail and shall set a date for a hearing of the charges before the State Board of Public Health and shall give the person whose certificate is in question notice of such hearing at least 10 days in advance thereof.

(b) The findings of the Board may be:

(1) Censure and warning.

(2) Revocation of certificate and license.

The Chief of the Division of Laboratories shall notify all persons who have not paid their renewal fees by March 1, that their right to operate under their license has lapsed and will not be restored until written application has been made and the fee for the current year plus $5 delinquent fee has been paid, except that prior to July 1, 1943, reinstatement shall be granted upon application by payment of the fee for the current year only. In case the license is allowed to lapse for a period of more than one year the reinstatement fee shall be $5 for each year the fee has been allowed to lapse plus payment of all lapsed renewal fees, both beginning with the year 1943, provided, however, that licentiates serving in the Armed Forces of the United States whose fees have lapsed during the period of their services with the Armed Forces, shall be reinstated within 60 days after the termination of their services with the Armed Forces upon written application and payment of the then current year's fees.*†

NOTE.—This Section is subject to the provisions of Section 1227 of the Health and Safety Code and Section 11500 to 11528 of the Government Code.

Article 3. License

1045. Display of License. Each technician and each technologist shall display his or her certificate of licensure in the laboratory where employed in the work and no certificate shall be displayed after cancellation or expiration.*†

1046. Lapse of License. When any person licensed by the State Department of Public Health for work in clinical laboratories gives up active work under the license held by him and remains inactive for a period of five years, the license shall lapse and the person shall not be relicensed except by recommendation of the technician's examination committee who may require an interview. The payment of fees for annual renewal of license during the interval of the absence from the work shall not relieve the person from the necessity of appearing before the committee.*†

1047. Written Examination Required; Provision for Temporary License. No certificate of licensure as clinical laboratory technician or technologist shall be issued except after written examinations which are preferably supplemented by practical examinations, provided that, when delay in meeting these requirements would work a hardship, a

*† For statutory and source citations, see note to §1030.

temporary license may be issued to a technician who by training or experience is apparently qualified. However, such a license will be good only until the next regular examination and may be renewed only upon specific authorization by the State Board of Public Health.

Article 4. Personnel Report

1052. All clinical laboratory directors shall transmit to the Chief of the State Division of Laboratories, semiannualy, on the first of July and the first of January the names of all persons employed in the laboratory showing whether full or part time and their Classification as to title, certificates held and duties performed.*†

*† For statutory and source citations, see note to §1030.

CALIFORNIA ADMINISTRATIVE CODE

(TITLE 17) Public Health

Cross Reference Table No. 1 indicates the origin of each section of the code. Cross Reference Table No. 2 indicates the disposition in the code of former sections of the Rules and Regulations issued by the State Department of Public Health.

Cross Reference Table No. 1

Origin of the California Administrative Code

California Administrative Code	*Origin State Department of Public Health—Rules and Regulations, Administration, Nonprofit Hospitals*		*California Administrative Code*	*Origin State Department of Public Health—Rules and Regulations, Administration, Nonprofit Hospitals*	
Section	*Rule*	*Section*	*Section*	*Rule*	*Section*
850(a)	1	1	850(f)	6	
850(b)	2		850(g)		7
850(c)	3		850(h)		8
850(d)		4	850(i)		9
850(e)		5	850(j)		10

Cross Reference Table No. 2

Disposition of former sections of the said Rules and Regulations in the California Administrative Code

State Department of Public Health—Rules and Regulations, Administration, Nonprofit Hospitals		*California Administrative Code*	*State Department of Public Health—Rules and Regulations, Administration, Nonprofit Hospitals*		*California Administrative Code*
Rule	*Section*	*Section*	*Rule*	*Section*	*Section*
1	1	850(a)	6		850(f)
2		850(b)		7	850(g)
3		850(c)		8	850(h)
	4	850(d)		9	850(i)
	5	850(e)		10	850(j)

SUBCHAPTER 3. HOSPITAL INSPECTION

Group 1. Clinics and Dispensaries
Group 2. Nursing, Convalescent or Rest Homes
Group 3. Small General Hospitals and Clinics
Group 4. Large General Hospitals
Group 5. Maternity Hospitals or Maternity Sections of General Hospitals
Group 6. Maternity Homes
Group 7. Tuberculosis Hospitals and Sanatoria
Group 8. Tuberculosis Nursing Homes
Group 9. Nonprofit Hospitals

Group 1. Clinics and Dispensaries

Article
1. Physical Plant and Equipment
2. Pathological Laboratories
3. Records
4. Private Pay Clinic
5. Permit to Be Displayed
6. Advertising

Article 1. Physical Plant and Equipment

161. Physical Plant and Equipment.

(a) **Examination rooms** shall be provided which have sufficient light, are protected from drafts and have access to running water.

(b) **Waiting rooms** shall have sufficient space so that overcrowding will not be necessary.

(c) **Adequate toilet facilities** shall be provided for patients.

(d) **Drinking water** and either drinking fountain or individual drinking cups shall be provided.

(e) **The floors of clinic rooms** shall be covered with a nonabsorbent material. The woodwork and furniture shall be of such nature that cleansing with soap and water or other satisfactory cleansing materials may be possible. The entire clinic establishment shall be maintained at all times in a clean and sanitary condition.

(f) **Sterilization.** All instruments, examining or treatment apparatus and supplies used in a clinic shall be sterilized by adequate means with such frequency as to eliminate all possibility of the transmission of communicable diseases.

(g) **Treatment of Infections or Infectious Diseases.** Those clinics which treat regularly, or occasionally, infections or infectious diseases shall provide such facilities that they may be able to adequately follow the procedures necessary in regard to communicable diseases, as set forth by the Regulations of the State Board of Public Health.

NOTE.—§§161 to 186, inclusive, issued under authority contained in Section 1231, Health and Safety Code. Source of §§161 to 186, inclusive, is the Rules and Regulations issued by the State Board of Public Health.

Article 2. Pathological Laboratories

166. Supervision of Licensed Physician and Surgeon. Pathological laboratories shall not be conducted, operated, or maintained except under the immediate supervision of a physician and surgeon, licensed as such by the State of California, or by a person licensed as a technologist by the State Board of Public Health.*†

*† For statutory and source citations, see note to §161.

Article 3. Records

171. Records. Adequate records for each patient must be kept and shall include, at least, the following:

(a) Name, address, age, sex, marital status, citizenship.

(b) A short history of complaint with the report of physical examination, laboratory examinations, diagnosis and prognosis.

(c) Progress and final disposition of case.

(d) The name of the licensed practitioner performing the examination or in attendance upon a patient must be given.*†

Article 4. Private Pay Clinic

176. Name of Operator of Clinic and Designation of Type of License. (a) **The name of the licensed practitioner** operating each private pay clinic and a **designation of the type of license** he holds shall appear immediately in connection with the name of the clinic in all signs and advertisements and on all stationery bearing the name of the clinic.

(b) The name of the said licensed practitioner and the designation of the type of license he holds shall be in letters not less than one-third of the size of the letters used in the name of the clinic and shall be as vivid with respect to color as the name of the clinic itself.

(c) If the name of the clinic be illuminated in any manner, the name of the licensed practitioner operating the clinic and designation of the type of license he holds shall be illuminated in the same manner.*†

Article 5. Permit to Be Displayed

181. Permit to be Displayed. The permit shall be prominently displayed in a position that makes it conspicuous to all people visiting the clinic.*†

Article 6. Advertising

186. Advertising. It is **not permissible** to use the words "Approved by the California State Board of Public Health," or any other words conveying the same idea in any advertising material.*†

*† For statutory and source citations, see note to §161.

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CHAPTER 2. LABORATORIES

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effective date of the withdrawal by the Surety, regardless of whether or not the excise tax based upon such sale, or other obligation, shall have been due prior to the effective date of withdrawal by the Surety.

This bond shall be effective on and after_____, 194___.

SIGNED AND SEALED THIS_____day of_____, 194___.

(Principal's Corporate Seal) _____
Principal

Capacity

(Surety's Corporate Seal) _____
Surety

By_____

Capacity

Instructions.—This bond must be acknowledged before a notary public. See reverse side. When bond is executed by a corporation as Principal the corporate seal must be affixed and a certified copy of the minutes of the board of directors of the Principal authorizing execution of the bond must accompany the bond.

[REVERSE ALCOHOLIC BEVERAGE EXCISE TAX BOND]

Acknowledgment by Principal

Individual

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, 194___, before me, _____,
Insert name of notary public
a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the person
Insert name of individual
whose name is subscribed to the within instrument, and acknowledged that ___he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Notary's Seal)

Notary Public in and
for the County of_____
State of California.

Partnership

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, 194___, before me, _____,
Insert name of notary public
a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be one of
Insert name of partner
the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Notary's Seal)

Notary Public in and
for the County of_____
State of California.

Corporation

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, 194___, before me, _____,
Insert name of notary public
a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the

_____(title) of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Notary's Seal) Notary Public in and for the County of_____ State of California.

Acknowledgment by Surety

Attach acknowledgment by Surety, or by Attorney in Fact for Surety

(b) **Bond of Motor Vehicle Fuel Distributor** (Section 7453, Revenue and Taxation Code):

BOND OF MOTOR VEHICLE FUEL DISTRIBUTOR

Executed Pursuant to
CALIFORNIA MOTOR VEHICLE FUEL LICENSE TAX LAW
(Revenue and Taxation Code, Division 2, Part 2)

Know All Men by These Presents:

That we,_____, as Principal, and_____, a corporation, duly organized and doing business under and by virtue of the laws of_____, and duly licensed for the purpose of making, guaranteeing or becoming sole Surety upon bonds or undertakings required or authorized by the laws of the State of California, as Surety, are held and firmly bound unto the people of the State of California in the sum of_____dollars ($_____), lawful money of the United States of America, for the payment whereof well and truly to be made, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION of the foregoing obligation is such that:

WHEREAS, The above bounden Principal has made application to the State Board of Equalization of the State of California for a license authorizing said Principal to engage in business as a Distributor of Motor Vehicle Fuel in accordance with the provisions of the Motor Vehicle Fuel License Law; and

WHEREAS, Under the terms of said law a bond is required of said Principal and a corporation such as is mentioned in Section 1056 of the Code of Civil Procedure of the State of California, as Surety, payable to the people of the State of California, conditioned upon faithful performance of all the requirements of said law and expressly providing for the payment of all license taxes, penalties, interest and other obligations of said Principal arising out of said law;

NOW, THEREFORE, If the above bounden Principal shall well and truly comply with all the provisions of said law and amendments thereto, and in particular pay all license taxes, penalties, interest and other obligations of said Principal arising out of said law, then this obligation shall be null and void; otherwise to remain in full force and effect.

The Surety herein reserves the right to withdraw as such Surety, except as to any liability already incurred or accrued hereunder, and may do so upon giving written notice of such withdrawal to the State Board of Equalization; provided, however, that no withdrawal shall be effective for any purpose until 30 days shall have elapsed from and after the receipt of such notice by said board; and further provided, that no withdrawal shall in anywise affect the liability of said Surety arising out of any distributions of motor vehicle fuel made by the Principal herein prior to the expiration of such period of 30 days, regardless of whether or not determinations for amounts, including penalties and interest, due with respect to such distributions have been made before the lapse of such 30 days.

SIGNED AND SEALED This_____day of_____, 19___.

INSTRUCTIONS

1. This bond must be acknowledged before a notary public. *See reverse side.*
2. Attach certified copy of the minutes of the board of directors of the Principal (if it is a corporation) authorizing execution of the bond.
3. Attach certified copy of the power of attorney of the attorney-in-fact of the Surety (unless such copy is already on file in the office of the board).

Principal

By _____

State capacity

Surety

By _____

State capacity

[REVERSE OF BOND OF MOTOR VEHICLE FUEL DISTRIBUTOR]

Acknowledgment by Principal

Individual

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, _____, before me,_____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that___he___ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in
and for the County of_____,
State of California.

Partnership

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, _____, before me,_____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in
and for the County of_____,
State of California.

Corporation

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, _____, before me,_____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the_____ (title) of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in
and for the County of_____,
State of California.

Acknowledgment by Surety

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, _____, before me,_____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the attorney-in-fact of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in
and for the County of_____,
State of California.

No._____

STATE OF CALIFORNIA
BOARD OF EQUALIZATION
BOND OF DISTRIBUTOR

Deposited by :

Date received :

Business :

Amount :

Surety :

Attorney-in-fact :

(c) **Bond of Seller** (Section 6701, Revenue and Taxation Code) :

BOND OF SELLER

Executed Pursuant to Demand for Security Under California Sales and Use Tax Law
(Part 1, Division 2, Revenue and Taxation Code)

Know All Men by These Presents:

That we, _____, as Principal, and_____, a corporation duly licensed for the purpose of making, guaranteeing or becoming sole Surety upon bonds or undertakings required or authorized by the laws of the State of California as Surety, are held and firmly bound unto the people of the State of California in the sum of_____dollars ($_____), lawful money of the United States of America, for the payment whereof well and truly to be made, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION of the foregoing obligation is such that:

WHEREAS, The above bounden Principal has been or is about to be issued a permit to engage in business as a seller, pursuant to the provisions of the California Sales and Use Tax Law; and

WHEREAS, Demand has been made upon the Principal by the State Board of Equalization for security, as authorized by the provisions of the said Sales and Use Tax Law, to insure compliance with said law;

NOW, THEREFORE, If the above bounden Principal shall well and truly comply with all the provisions of said Sales and Use Tax Law as respects transactions occurring on and after_____,[1] and in particular pay all amounts including interest, penalties and costs which may become due under said law with respect to said transactions, then this obligation shall be null and void, otherwise to remain in full force and effect.

The Surety hereunder may relieve itself from liability to the extent and in the manner set forth in the provisions of the Civil Code[2] governing the termination by the Surety of liability under bond; provided, however, that in no event shall it be relieved from liability as respects transactions occurring before the effective date of such termination.

Signed and sealed this_____day of_____, 19___.

Principal

By_____

State capacity

Surety

Bond Number_____ By_____

State capacity

Amount of premium $_____

This must be acknowledged before a notary public. See reverse side

[1] If new business, insert opening date; if existing business, insert first day of current calendar quarter.
[2] See Section 2851, Civil Code.

[REVERSE OF BOND OF SELLER]

Acknowledgment by Principal

Individual

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, ___, before me, _____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that __he__ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in and
for the County of_____
State of California.

Partnership

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, ___, before me, _____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in and
for the County of_____
State of California.

Corporation

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, ___, before me, _____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the_____(title) of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in and
for the County of_____
State of California.

Acknowledgment by Surety

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, ___, before me, _____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the attorney-in-fact of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in and
for the County of_____
State of California.

(d) **Bond of Operator** (Section 10050, Revenue and Taxation Code):

BOND OF OPERATOR

Executed pursuant to demand for security under the California Motor Vehicle Transportation License Tax Law
(Part 4, Division 2, Revenue and Taxation Code)

Know All Men by These Presents:

That we, _____, as Principal, and_____, a corporation, duly organized and doing business under and by virtue of the laws of the State of _____, and duly licensed for the purpose of making, guaranteeing or becoming sole Surety, upon bonds or undertakings required or authorized by the laws of the State of California, as Surety, are held and firmly bound unto the people of the State of California in the sum of_____dollars ($_____), lawful money of the United States of America, for the payment whereof well and truly to be made, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION of the foregoing obligation is such that:

WHEREAS, The above bounden Principal has been issued a Transportation Tax License, pursuant to the provisions of the Motor Vehicle Transportation License Tax Law; and

WHEREAS, A demand has been made upon the Principal by the State Board of Equalization for security for the payment of amounts due or to become due from said Licensee, under the Motor Vehicle Transportation License Tax Law;

NOW, THEREFORE, If the above bounden Principal shall well and truly comply with all the provisions of said law, and any amendments thereto, and in particular pay all amounts, including penalties and interest, now due and which may become due under said law, then this obligation shall be null and void; otherwise to remain in full force and effect.

The Surety herein reserves the right to withdraw as such Surety, except as to any liability already incurred or accrued hereunder, and may do so upon giving written notice of such withdrawal to the State Board of Equalization; provided, however, that no withdrawal shall be effective for any purpose until 30 days shall have lapsed from and after the receipt of such notice by said board; and further provided that no withdrawal shall in anywise affect the liability of said Surety arising out of any operations by the Principal herein prior to the expiration of such period of 30 days, regardless of whether or not an assessment for amounts, including penalties and interest, due with respect to such operations has been levied before the lapse of such 30 days.

SIGNED AND SEALED THIS_____day of_____, 19___.

Principal

By_____

State capacity

Surety

By_____

State capacity

This must be acknowledged before a notary public. See reverse side

[REVERSE OF BOND OF OPERATOR]

Acknowledgment by Principal

Individual

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, ___, before me, _____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that __he__ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in and
for the County of_____
State of California.

Partnership

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, ___, before me, _____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in and
for the County of_____
State of California.

Corporation

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, ___, before me, _____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the_____ (title) of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in and
for the County of_____
State of California.

Acknowledgment by Surety

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, ___, before me, _____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the attorney-in-fact of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in and
for the County of_____
State of California.

No._____

STATE OF CALIFORNIA
BOARD OF EQUALIZATION

BOND OF OPERATOR

Deposited by:

Date received:

Business:

Amount:

Surety:

Attorney-in-fact:

(e) **Bond of User of Fuel** (Sections 8703 and 8951, Revenue and Taxation Code):

BOND OF USER OF FUEL

Executed Pursuant to Demand for Security Under the California Use Fuel Tax Law
(Revenue and Taxation Code, Division 2, Part 3)

Know All Men by These Presents:

That we,_____, as Principal, and_____, a corporation, duly organized and doing business under and by virtue of the laws of_____, and duly licensed for the purpose of making, guaranteeing or becoming sole Surety upon bonds or undertakings required or authorized by the laws of the State of California, as Surety, are held and firmly bound unto the people of the State of California in the sum of_____dollars ($_____), lawful money of the United States of America, for the payment whereof well and truly to be made, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION of the foregoing obligation is such that:

WHEREAS, The above bounden Principal has been issued, or has applied for the issuance of, a Use Fuel Tax Permit, pursuant to the provisions of the Use Fuel Tax Law; and

WHEREAS, A demand has been made upon the Principal by the State Board of Equalization for security for the payment of amounts due or to become due from said Use Fuel Tax Permittee, under the Use Fuel Tax Law;

NOW, THEREFORE, If the above bounden Principal shall well and truly comply with all the provisions of said law, and any amendments thereto, and in particular pay all amounts, including penalties and interest, now due and which may become due under said law, then this obligation shall be null and void; otherwise to remain in full force and effect.

The Surety herein reserves the right to withdraw as such Surety, except as to any liability already incurred or accrued hereunder, and may do so upon giving written notice of such withdrawal to the State Board of Equalization; provided, however, that no withdrawal shall be effective for any purpose until 30 days shall have elapsed from and after the receipt of such notice by said board; and further provided that no withdrawal shall in anywise affect the liability of said Surety arising out of any use of fuel by the Principal herein prior to the expiration of such period of 30 days, regardless of whether or not determinations for amounts, including penalties and interest, due with respect to such use of fuel have been made before the lapse of such 30 days.

SIGNED AND SEALED this_____day of_____, 19___.

Principal

By _____

State capacity

Surety

By _____

State capacity

☞ This must be acknowledged before a notary public. See reverse side

Acknowledgment by Principal

Individual

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, ___, before me,_____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that___he___executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in and
for the County of_____,
State of California.

Partnership

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, ___, before me,_____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in and
for the County of_____,
State of California.

Corporation

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, ___, before me,_____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the_____(title) of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in and
for the County of_____,
State of California.

Acknowledgment by Surety

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____, ___, before me,_____, a notary public in and for the county and State aforesaid, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the attorney-in-fact of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid county, the day and year in this certificate first above written.

(Seal)

Notary Public in and
for the County of_____,
State of California.

No._____

STATE OF CALIFORNIA
BOARD OF EQUALIZATION

BOND OF USER OF FUEL

Deposited by:

Date received:

Business:

Amount:

Surety:

Attorney-in-fact:

42. Department of Finance. See Department of Public Works, Sections 57(c) and 57(f) of these Regulations:

(a) **Contractor's Bond** (Sections 675 and 681, Political Code and State Purchasing Department Law, Statutes 1915, page 508, as amended; Deering's California General Laws, Act 8072):

CONTRACTOR'S BOND

We, the undersigned Principal and Suret___, acknowledge ourselves jointly and severally bound to the State of California in the sum of_____dollars ($_____)

Article 4. Feather and Down Regulations

1135. "**Down**" is the undercoating of waterfowl, consisting of the light fluffy filaments growing from one quill point but without any quill shaft and shall be labelled as hereinafter provided.*†

1136. "**Feathers**" are natural feathers or crushed feathers, and shall be labelled as hereinafter provided.*†

1137. "**Natural feathers**" are feathers which have not been processed in any manner other than dusting, washing and sterilizing. These shall be designated on the label as "Feathers."*†

1138. "**Body feathers**" are the feathers of any fowl other than wing and tail feathers. The term "Small Body Feathers" will be permitted on the label, provided the overall length of the feathers used does not exceed 3½ inches.*†

1139. "**Wing and tail feathers**" commonly known as "quills" shall be designated on the label as "Wing and Tail Feathers."*†

1140. "**Crushed feathers**" are feathers which have been processed by a curling or crushing machine and such feathers shall be so designated on the label as "Crushed Feathers" or "Crushed Wing and Tail Feathers." (See Section 1146 (h), infra.)*†

1141. "**Chopped feathers**" are feathers which have been chopped or cut into pieces. Such stock shall be designated on the label as "Chopped Feathers." (See Section 1146 (h), infra.)*†

1142. "**Free fiber**" is the barbs of down plumes separated by any process from the quill point. "Free Fiber" not to exceed 5% of the weight of the stock is included with the down. Any content above 5% shall be indicated on the label as "Free Fiber" or combined with excessive quantities of "Coarse Fiber" and labeled "Fiber."*†

1143. (a) "**Coarse fiber**" is the barbs of feathers separated by any process from the feather shaft. "Feather Fiber" from waterfowl feathers not to exceed 5% is included with the feathers. Any content above 5% shall be indicated on the label as "Coarse Fiber" or combined with excessive quantities of "Free Fiber" and labeled "Fiber."

(b) "**Chicken or turkey feather fiber**" not to exceed 5% of the weight of chicken or turkey feather stocks or the chicken or turkey feather content of mixed stocks is included with the chicken or turkey feathers. Any content of "Chicken Feather Fiber" or "Turkey Feather Fiber" above 5% of the chicken or turkey feathers shall be indicated on the label. Any "Chicken Feather Fiber" or "Turkey Feather Fiber" in stocks otherwise consisting wholly of waterfowl plumage shall be indicated on the label.*†

1144. "**Feather strippings**" are the barbs of feathers stripped by any process from the feather shaft, but not separated into feather fiber. "Feather Strippings" from waterfowl feathers not to exceed 5% when combined with "Coarse Fiber" are included with the feathers. Any

*† For statutory citation, see note to §1100.

content of "Feather Strippings" and "Coarse Fiber" combined, above 5% shall be indicated on the label as "Coarse Fiber" or combined with excessive quantities of "Free Fiber" and labeled "Fiber."*†

1145. **"Damaged feathers"** are those which have been broken, injured by insects, or depreciated from the original value in any manner; provided, however, that this shall not apply to crushed feathers as defined in Section 1140 of these Regulations. "Damaged Feathers" in any stock containing feathers shall not exceed 5% of the weight of the stock. Any content above 5% shall be indicated on the label as "Damaged Feathers" together with the name of the fowl from which derived, and the color.*†

1146. (a) **Blends.** In blends of down and feathers, the percentage of the costlier material or materials as shown on the label, shall be the minimum percentage. In stocks consisting of "Goose Down" and "Duck Down" the percentage of "Goose Down" shown on the label shall be the minimum percentage of "Goose Down" in the blend. When the blend contains more than two but not over four components, the percentages of the two costlier components shall be the minimum percentages. In stocks consisting of "Goose Down," "Duck Down," "Goose Feathers" and "Duck Feathers," the percentages of "Goose Down" and "Duck Down" shown on the label shall be the minimum percentages of "Goose Down" and "Duck Down" in the blend. When the blend consists of more than four components, the percentages of not less than one-half of the components shall be the minimum percentages and this half shall be comprised of the costlier components. In stocks consisting of "Goose Down," "Duck Down," "Goose Feathers," "Duck Feathers," and "Chicken Feather Fiber," the percentages of "Goose Down," "Duck Down," and "Goose Feathers" shown on the label shall be the minimum percentages of "Goose Down," "Duck Down," and "Goose Feathers" in the blend.

(b) **Miscellaneous feathers** from pigeons, quail, guinea fowl or any other fowl not specifically provided for above are classed as and included with "Colored Chicken Feathers."

(c) **Down stocks** labeled "Down 100%" shall not contain in excess of 10% of the weight of such stock, of small natural body feathers of the same fowl as that from which the down is derived. Percentages less than 100% shall be comprised exclusively of the kind of down stated on the label within the limits provided in Sections 1142 and 1146(d) hereof.

(d) The **"goose down"** portion of any stock shall not contain in excess of 10% of "Duck Down."

(e) The **"goose feathers"** portion of any stock shall not contain in excess of 10% of "Duck Feathers."

(f) The **"goose feathers"** portion of any stock shall not contain in excess of 5% of "Chicken Feathers" or "Turkey Feathers" or a mixture thereof. The percentage of "Chicken Feathers," "Turkey Feathers," or a mixture thereof in such stock shall reduce the percentage of "Duck Feathers" in like percentages.

*† For statutory citation, see note to §1100.

(g) The "**duck feathers**" portion of any stock shall not contain in excess of 5% "Chicken Feathers," or "Turkey Feathers," or a mixture thereof.

(h) **Residue**, quill pith, quill residue, trash or any foreign matter shall not exceed 2% of any feather and down stock. Any quantity in excess of 2% shall be indicated on the label.*†

1147. "Color" of feathers and down from waterfowl shall be designated on the label as "white" or "gray"; feathers from chickens or turkeys shall be designated on the label as "white" or "colored."*†

1148. Name of Fowl. The name of the fowl from which feathers and down are derived shall be designated on the label. Miscellaneous feathers from pigeon, quail, guinea fowl or any other fowl not specifically provided for above are classed as and included with "Colored Chicken Feathers."*†

1149. Cleaning Stocks. All stocks shall be thoroughly cleaned by dusting, washing and sterilizing.*†

1150. "Secondhand feathers" and **"secondhand down"** shall be so designated on a red label together with the proper classification of such feathers or down and the label shall bear the statement: "Feathers and down in this article have been sterilized as required by law." (See Sections 19084(a) and 19099(b) of the Act.)*†

1151. "Secondhand feather and down stocks," when use in upholstered furniture or bedding, shall be sterilized by the method set forth in Section 1215 of these Regulations.*†

1152. "Pillow Ticks." The side seams of pillow ticks and the end seams of pillow ticks shall be in straight parallel lines. Sizes shown on labels shall be minimum sizes.*†

*† For statutory citation, see note to §1100.

CALIFORNIA ADMINISTRATIVE CODE

(TITLE 3) Department of Agriculture

Cross Reference Table No. 1 indicates the origin of each section of the code. Cross Reference Table No. 2 indicates the disposition in the code of the former sections of the Rules and Regulations issued by the Director of Agriculture.

Cross Reference Table No. 1

Origin of the California Administrative Code

California Administrative Code	*Origin Director of Agriculture—Rules and Regulations—Fruit and Vegetable Standardization*	
Section	*Regulation*	*Section*
1330		Canning Tomatoes
1335		"
1340		Dried Fruits and Nuts
1341		" " " "
1342		" " " "
1343		" " " "
1344		" " " "
1345		" " " "
1385		Fresh Fruits and Vegetables
1390		" " " "
1391		" " " "
1396		" " " "
1397		" " " "
1398		" " " "
1399		" " " "
1500		Seed Potatoes, Standards
1501		" " "
1506	I	1 " " , Basic Requirements
1507	I	2 " " " "
1508	I	3 " " " "
1509	I	4 " " " "
1510	I	6 " " " "
1511	I	7 " " " "
1512	I	8 " " " "
1517	II	1 " " —General Requirements
1518	II	2 " " " "
1519	II	3 " " " "
1520	II	4 " " " "
1521	II	5 " " " "
1522	II	6 " " " "
1523	II	7 " " " "
1528	III	" " —Inspections
1529	III	1 " " "
1530	III	1-A " " —Foundation Stock
1531	III	1-B " " " "
1532	III	1-B-1 " " " "
1533	III	1-B-2 " " " "
1534	III	1-B " " " "
1535	III	1-B " " " "
1536	III	1-B " " " "
1537	III	" "
1538	III	" "
1539	III	" "

Cross Reference Table No. 2—Continued

Director of Agriculture—Rules and Regulations—Fruit and Vegetable Standardization			*California Administrative Code*
Regulation	*Section*		*Section*
III	2-A	" " —Blue Tag	1546(a)
III	2-B	" " —Red Tag	1546(b)
III	2-C	" " —Yellow Tag	1546(c)
III	2-D	" " —Orange Tag	1546(d)
IV	1	" " —Containers	1551
V	1	" " —Certification Tag	1556
V	2	" " " "	1557
V	3	" " " "	1558
V	4	" " " "	1559
		" "	1560
		Emergency Standards	1565

Article 21. Layoff and Demotion

For the general statutory provisions on this subject, refer to Section 19530 of the Act and sections following.

451. Method of Layoff. To determine the relative combined score for efficiency and seniority under the provisions of Section 19534 of the Act, the following rule shall be used: The rating to be given for seniority shall be two points for each complete year of state service during which the employee performed work in the series of classes related to the employee's class at the time of making the computation; and the rating to be given for efficiency shall be the score appearing on the employee's last report of performance due prior to the layoff. When a person has the absolute right to return to his former position in the state civil service, the time he spent on military leave during the emergency period specified in Section 19390 of the Act shall, upon his return to state service within the period allowed for return from military leave, be considered as time spent in state service for the purpose of computing seniority rights for layoff purposes. Except for time spent in a purely educational program, "time spent on military leave" includes rehabilitation afforded by the United States Government following military service.*†

452. Layoff by Subdivision. With the approval of the Executive Officer, only the employees of a designated geographical, organizational, or functional subdivision of a state agency need be considered for layoff. A reemployment list shall be established for each such subdivision.*†

453. Noncivil Service Employees. No state civil service employee shall be laid off from any position while any employee serving under temporary or limited term appointment is retained in any position of the same class in the unit affected by the layoff.*†

454. Probationer. No distinction shall be made between a probationer and a permanent employee when making layoffs.*†

455. Procedure. In making layoffs, the appointing power shall first confer with the Executive Officer regarding the designation of the subdivision, if any, to be considered and shall obtain from the Executive Officer a list of the civil service employees who will be affected by the layoff, together with the combined score for efficiency and seniority of each such employee. The appointing power shall then notify the employee or employees to be laid off and shall immediately thereafter render a written report to the Executive Officer on such form as he may prescribe, such report to state the name or names of the employees so laid off and the reasons therefor.*†

*† For statutory citations, see note to §1.

Article 7. Employment Lists

For the general statutory provisions on this subject, refer to Section 18900 of the Act and sections following.

151. Eligibility After Appointment. When an eligible receives a limited term appointment, his name shall be continued on the employment list for permanent certification. When an eligible receives a permanent appointment, his name shall be removed from the employment list.*†

152. Preferred Limited Term List. A preferred limited term list may be established for any class, containing the names of limited term employees who have served satisfactorily in positions recurring seasonally in a given state agency and who have been recommended by the appointing power for inclusion on such list. Such preferred limited term list shall be established to correspond to the same geographical, organizational, or functional subdivisions of state agencies as may be observed in establishing the departmental reemployment lists for the same class. Names shall be included on the preferred limited term list in the relative order of the original examination ratings of the eligibles. In filling limited term vacancies in a given state agency, the preferred limited term list for that agency shall be given preference over the eligible list but not over any other employment list. The name of any eligible included on the preferred limited term list may be continued on such list after the abolishment of the eligible list from which the eligible was originally certified; but under no circumstances and at no time shall any person be certified from the preferred limited term list to a permanent position or be permitted to acquire permanent status as a result of certification and appointment from any such list.*†

153. Inactive Lists. For every employment list, an inactive list shall be established by the Executive Officer. If a person's name is placed on an inactive list at his request, it may, upon his written request and in the discretion of the Executive Officer, be restored to the employment list from which it was removed. If a person's name is placed on an inactive list without his request, it will be restored to the employment list from which it was removed only if the board or the Executive Officer finds that there is good cause therefor. In any case, the person's name may be restored only if the employment list from which it was removed is still in existence; and the name shall be restored to such employment list according to the person's earned rating in the examination or combined score for efficiency and seniority, as the case may be.*†

Article 8. Examinations

For the general statutory provisions on this subject, refer to Section 18930 of the Act and sections following.

171. Announcement. Examinations shall be held at such times and places as the Executive Officer may determine. The Executive Officer shall direct the preparation of every examination and the publication of an announcement thereof. Each announcement shall state the duties and salary range of the class; the number of eligibles to be qualified; the method of evaluating the education, experience, and personal qualifica-

*† For statutory citations, see note to §1.

tions of the competitors; such information as is required by the act and these rules; and such additional information as the Executive Officer may deem proper.*†

172. Qualifications. Applicants for permanent state civil service employment must be citizens of the United States. Every applicant must be of good moral character, of temperate habits, and in all respects physically competent to perform the duties of any position in the class for which the examination is to be held. Applicants must be residents of the State of California for at least one year prior to the date of the examination; but, upon the recommendation of the appointing power, the Board may waive the residence requirement.*†

173. Fee. There shall be no examination fee except for such medical or physical examination as may be required.*†

174. Applications. All applications must be filed at the place, within the time, in the manner, and on the form specified in the examination announcement. A separate application shall be filed for each examination unless otherwise specified in the examination announcement. Applications shall remain on file in the office of the Board for at least one year and thereafter until ordered destroyed by the Executive Officer. Under no circumstances will applications or examinations be returned to applicants. The names of applicants shall not be made public.*†

175. Authorization to Take Examination. Each applicant shall be notified of the approval or disapproval of his application. The applicant's authorization to take the examination shall be in such form as may be prescribed by the Executive Officer.*†

176. Questions Approved and Sealed. All examination questions shall be approved by the Executive Officer in advance of the examination. In transmitting material containing examination questions, each package thereof shall be securely sealed with the official seal of the Board. The seal shall not be broken until the beginning of the examination and then only in the presence of all the competitors and by the authorized agent of the Executive Officer.*†

177. Explanations. All necessary explanations will be made to the whole group taking the written examination and no question will be explained to any individual competitor. Examiners shall not make any comment that may assist any competitor to answer any question.*†

178. Prohibited Acts. Communication between competitors during examination is strictly forbidden; and competitors are forbidden to receive any unauthorized assistance in the examination. Before the commencement of an examination, competitors will be required to hand to the examiner any unauthorized printed or written matter in their possession that might serve to aid them in the examination. Evidence of

*† For statutory citations, see note to §1.

copying or collusion may result in the cancellation of his examination and the debarment of the competitor from future state civil service examinations of any kind. Copies of the questions in the examination may not be made or taken from the examination room.*†

179. Identity Concealed. Written examinations shall be so managed that no examination paper will disclose the name or identity of any applicant until all the examination papers shall have been marked.

Each competitor must write his name and address upon a declaration sheet which must have printed upon it a serial number, to be known as his identification number. The competitor shall mark upon each examination sheet his identification number. When the examination papers have been scored, the declaration sheets shall be unsealed; and the examination papers shall be assigned to the names of the persons who wrote them.*†

180. Prohibited Marks. Any competitor in any written examination who places any identifying mark upon his examination papers, other than his identification number, may be deprived of all benefits under such examination.*†

185. Rating of Written Examinations. All examination papers shall be marked and graded under the direction of the Executive Officer and in accordance with the examination announcement. When it becomes apparent that a competitor, whose papers have been partially marked, would receive a general average percentage less than the minimum percentage for eligibility fixed by the Executive Officer or if the competitor receives less than the minimum percentage required on a given portion of the examination, then such competitor shall be considered as having failed and the marking of his papers need not be completed.*†

186. Inspection of Examination Papers. Examination papers shall be open to inspection only as provided by these rules.*†

187. Time for Inspection. Upon written request filed in the office of the Board within 60 days after notice of the result of his examination has been mailed to him, any competitor may inspect his examination papers at such location as may be designated by the Executive Officer. Such inspection shall be under supervision of a member of the staff or other authorized representative of the Board. Competitors desiring to inspect their examination papers at other than the Sacramento office of the Board will be charged a fee of 25 cents for handling costs.*†

188. Who May Inspect. A competitor's examination papers shall be open to inspection only by: The competitor; his attorney upon written authorization of the competitor; or the appointing power to whom the eligible has been certified.*†

189. Copying Prohibited. Copying questions or answers contained in written examination papers, making erasures or alterations in the markings on the papers, or any mutilation thereof by any person is forbidden. Evidence that a competitor or his attorney has copied from, altered, or mutilated an examination paper may result in the competitor's

*† For statutory citations, see note to §1.

debarment from competition in future examinations or the cancellation of the competitor's eligibility for employment in the state civil service, or both.*†

190. Appeal From Written Examination. During regular office hours in the seven calendar days beginning on the first working day after a written examination has been held and at any of the offices of the Board or such other places as may be designated by the Executive Officer, any competitor may inspect a keyed copy of the questions in his examination for the express purposes of requesting review of such items as the competitor may believe are incorrectly or improperly keyed. Keyed copies of copyrighted or standardized examinations will not be available for review. The Executive Officer may also, for examinations given to fill urgent and immediate vacancies in the state service, provide that there will be no key inspection privileges. Notice of the suspension of this privilege shall be made a part of the written examination instructions given to each competitor at the time of the written examination. The competitor may, during the period of inspection provided above, file with the Board a written appeal from any part of the test, citing the item or items against which the appeal is directed and stating the reason for such appeal. The examination shall not be scored until all the disputed items have been reviewed and appropriate adjustment, if any, made by correction in the scoring key or elimination of the disputed items. In no event is the Executive Officer required to furnish keyed copies of questions of an essay or problem type when in his judgment such questions are not subject to scoring by an absolute standard.

In addition to the appeal hereinabove provided, a written appeal may be made from the result of the written examination on the grounds of fraud or clerical error in scoring the papers. Such appeal must be filed with the Board within 60 days after notice of the result of his examination has been mailed to the competitor filing the appeal.*†

193. Formula Rating. In any examination, the appraisal of education and experience of the competitors may be made by formula applied to the information and data given on their official applications. Such appraisal will be made without interview by a qualification appraisal board and without evaluating the personal qualifications of the competitors.*†

195. Qualification Appraisal Boards. The education, experience, and personal qualifications of competitors may be rated by qualification appraisal boards after interviewing the competitors and making such investigations as may be found expedient.*†

196. Composition of Boards. Each qualification appraisal board shall include: (a) One member of the staff of the State Personnel Board who shall act as chairman; (b) the appointing power or a member of the agency's governing body, or his or its authorized representative, if the test is given to establish an eligible list for a particular agency; and (c) whenever feasible, one or more citizens, preferably not at the time in the state service, who are qualified to appraise the education, experience, and personal qualifications of competitors. The number of members

*† For statutory citations, see note to §1.

of each qualification appraisal board shall be determined and the appointments thereto shall be made by the Executive Officer. If, at the time and place set for any meeting of a qualification appraisal board, a member or members thereof fail to appear, the qualification appraisal board may proceed, any vacancy to be filled by the chairman of the qualification appraisal board if he so desires.*†

197. Prohibited Membership. No member of the State Personnel Board may serve as a member of any qualification appraisal board unless he is the appointing power or a member of the governing body of the agency for the use of which the resulting eligible list is to be established, and then only upon previous approval by the State Personnel Board.*†

198. Competitive Ratings. Ratings of education, experience, and personal qualifications by qualification appraisal boards shall be made on a competitive basis in that each competitor shall be rated thereon in relation to the minimum qualifications for the class in question and in relation to the comparable qualifications of other competitors. The term "personal qualifications" includes all such personality traits and personal, moral, and physical characteristics as are necessarily comprehended by the minimum qualifications established for the class.*†

199. Minimum Qualifying Rating. Ratings of education, experience, and personal qualifications shall be made independently by each qualification appraisal board member on official forms prescribed by the Executive Officer. His form shall be signed by the member and delivered to the chairman of the Qualification Appraisal Board. Ratings accorded competitors shall be expressed in percentages, with 70 per cent being the minimum qualifying rating. When a competitor is rated below 70 per cent by a member of the Qualification Appraisal Board, the reason for such rating shall be entered on his rating sheet by such member. The ratings of the several members of the Qualification Appraisal Board shall be averaged to determine each competitor's final rating on education, experience, and personal qualifications. If the average rating is below 70 per cent but a majority of the members of the Qualification Appraisal Board assigns at least the required rating of 70 per cent, the competitor shall be given a rating of 70 per cent. If a majority of the members of the Qualification Appraisal Board assigns a rating below 70 per cent, the competitor shall be disqualified regardless of the fact that his average rating may be 70 per cent or more.*†

200. Rating of Personal Traits. As an alternative method, the Executive Officer may cause the qualification appraisal to consist of a formula evaluation of education and experience and a finding by a qualification appraisal board as to whether the competitor is acceptable from the standpoint of prescribed personal traits. The evaluation of education and experience shall be determined on the basis of a previously determined formula. If the competitor is found to possess the required education and experience, he shall appear before the Qualification Appraisal Board. If a majority of the members of the Qualification Appraisal Board finds that the competitor is acceptable from the standpoint of required personal traits, the Qualification Appraisal Board shall

*† For statutory citations, see note to §1.

find him qualified but shall give him no numerical or percentage rating. If a majority of the Qualification Appraisal Board finds that the competitor is not acceptable from the standpoint of required personal traits, such members shall record their reasons for such findings; and the competitor shall thereby be disqualified.*†

201. Special Inquiry. In examinations for classes of trust or involving the handling of money, the exercise of the powers of peace officers, law enforcement or regulation, the collection of taxes or investigations connected therewith, the care or custody of wards of the State, or otherwise requiring the competitors to be of high moral standards and integrity, the Executive Officer or the Qualification Appraisal Board must, and in any other examinations may, make special inquiry into the past records of all competitors and shall disqualify any whose records or reputations shall in his or their judgment warrant such action.*†

202. Appeal From Qualification Appraisal Board. Within 30 days after the notice of the result of his examination has been mailed to him, a competitor disqualified by a Qualification Appraisal Board may appeal to the State Personnel Board upon the grounds of irregularity, bias, or fraud in the conduct of the investigation or interview or of erroneous interpretation or application of the minimum qualifications prescribed for the class.

Prior to the time when the Board hears the appeal, the members of the Qualification Appraisal Board and all other interested persons shall be notified of the time and place of the hearing.

If the Board grants the appeal, it may give the competitor a rating of 70 per cent on education, experience, and personal qualifications; except that, it the Board finds that the Qualification Appraisal Board acted fraudulently, it may give the competitor such passing rating as it may decide.*†

205. Computing Examination Score. The weights assigned to the various parts of an examination represent the relative value of each part in the whole examination. The method of obtaining the average percentage of the examination is as follows: Multiply the rating obtained in each part by the relative weight of that part, add the products, and divide the sum of the products by the sum of the relative weights. The quotient thus obtained will be the average percentage for the examination.*†

206. Minimum Rating Required. Competitors shall be required to attain a score of not less than 70 per cent in each part of the examination and a general average score of not less than 70 per cent in order to qualify in an examination; except that, in a promotional examination, it is within the discretion of the Executive Officer to require a higher general minimum average, which minimum shall in no case exceed 85 per cent. In written tests, the 70 per cent used to represent the minimum score need not be the arithmetic 70 per cent of the total possible score but may be an adjusted score based on a consideration of the difficulty of the test, the quality of the competition, and the needs of the service. Any such

*† For statutory citations, see note to §1.

adjusted score shall be established before the identification of the competitors' examination papers.*†

207. Qualifying for Lower Class. When an examination is held for any given class and if there is also being held an examination for a lower class in the same series, it shall be within the discretion of the Executive Officer to pass a competitor for a place on the eligible list for the lower class if the competitor attains a passing score for the examination for the lower class but does not receive a passing score in the examination in which he is competing.*†

208. Medical or Physical Requirements. Where a medical or physical examination is required, competitors who fail to meet the established medical or physical standards shall be rated as unsuccessful in the entire examination.*†

209. Notice of Examination Result. As soon as the scoring of an examination has been completed and the eligible list established, each competitor shall be notified by mail of the results of this examination and, if successful, of his general average percentage and his relative position upon the resulting employment list.*†

210. Establishing List in Case of Tie. Two or more competitors receiving the same percentage rating in an examination shall be placed on the resulting list according to their respective percentage ratings attained in the chief essential of the examination; except that, if one of such competitors is a veteran, he shall be given the preference.*†

211. Eligibility. If an employee is dismissed from state employment after the filing of charges against him as provided by Section 19574 of the Act, he shall not thereafter be permitted to take any state civil service examination or be certified to any position in the state service without the consent of the Board. In all other cases, the Executive Officer shall determine whether to refuse to examine or, after examination, to declare or certify as eligible anyone for any of the reasons set forth in Section 18935 of the Act.*†

Article 9. Promotion

For the general statutory provisions on this subject, refer to Section 18950 of the Act and sections following.

231. General Reference. Promotional examinations are governed by the rules of this article and such rules in Article 8 as are applicable.*†

232. Examinations. Whenever the Executive Officer determines that the needs of the service require, he may announce and hold promotional examinations for state agencies or for designated geographical, organizational, or functional subdivisions thereof.*†

233. Eligibility. Promotional examinations shall be limited to such employees in the agency concerned, or designated subdivisions thereof, who are designated by these rules as eligible to participate in such examinations.*†

*† For statutory citations, see note to §1.

234. Permanent Employees. An employee may participate in a promotional examination if he holds a position with permanent civil service status in a class designated by the Executive Officer as appropriate for the examination.*†

235. Other Employees. An employee may participate in a promotional examination if he holds a position under limited term, probationary, or temporary appointment or if he holds a position under exempt appointment with the right to return to his former position. Immediately preceding his appointment, the limited term, probationary, temporary, or exempt employee must have had permanent civil service status in a class designated by the Executive Officer as appropriate for the examination.*†

236. Probationers. An employee may participate in a promotional examination if he has returned from military leave and is serving a probationary period that he might have completed prior to the date of the examination had he not entered the military service. If successful in the examination, he shall not be eligible for certification from the resulting promotional eligible list until he has actually completed his probationary period.*†

237. Qualifications. No employee may participate in a promotional examination unless he has the minimum education and experience qualifications and any license, certificate, or other evidence of fitness prescribed for the class for which the examination is given.*†

238. Performance Report. To be eligible to participate in a promotional examination, a score of at least 85 per cent is required for the employee's last report of performance due prior to the date of the examination.*†

239. Competing Promotionally in Open Examinations. Whenever an open examination is held, the Executive Officer may permit qualified employees in specified state agencies or subdivisions thereof to compete in the examination on a promotional basis.*†

240. Resignation of Promotional Eligible. An employee who resigns from the state civil service shall be considered as having relinquished his right to promotion. If his name appears on any promotional eligible list, it shall be removed therefrom. If he is then competing in a promotional examination, his name shall not be placed on the resulting promotional eligible list. In the discretion of the Executive Officer, such employee's name may, if the employee so requests in writing, be placed upon the existing open eligible list for the same class in accordance with the percentage rating attained in the promotional examination upon which his eligibility is based.*†

241. Lists Not Limited. In a promotional examination, the resulting list shall not be limited.*†

242. Certification to Limited Term Positions. The names of employees on promotional eligible lists who are in the military service shall not be included in certifications to fill limited term positions.*†

*† For statutory citations, see note to §1.

Article 10. Appointments

For the general statutory provisions on this subject, refer to Section 19050 of the Act and sections following.

251. Request for Certification. Whenever a vacancy is to be filled under Section 19052 of the act, the appointing power shall make written request for certification. Such request shall contain the statements required by the act and shall include a statement of the salary, tenure, and location of the position. Certification shall be made by the Executive Officer.*†

252. To Fill New Positions. Whenever a new position is created, the appointing power shall notify the Executive Officer of the proposed new position and, at the same time, furnish a detailed statement of the duties and requirements of the proposed position.*†

253. Certification to 60-Day Position. Where the employment is for a period of 60 days or less, only the names of those eligibles who live in the vicinity of the employment may be certified.*†

254. Multiple Certifications. If an appointing power has at the same time more than one vacancy in the same class, there shall, if possible, be certified as many names as there are vacancies and two names in addition thereto. The appointing power shall fill the first vacancy by the selection of one of the highest three eligibles so certified. Every succeeding vacancy shall be filled in like manner by selection in turn from the highest three remaining names.*†

255. Certification in Case of Waiver. Whenever an eligible has been certified to the appointing power and such eligible waives appointment, the Executive Officer shall forthwith certify the next highest eligible, who shall have the same standing as though originally certified.*†

256. Certification to Laborers' Positions. Certification to laborers' positions shall be made from the employment list for the locality in which the employment exists. However, when an employment list for such locality is exhausted, certification may be made from the list for any other locality.*†

257. Cancellation of Request for Certification. When a request for certification has been filed with the Executive Officer and certification has been issued by him, the appointing power may not withdraw or cancel the request for certification unless the Executive Officer is convinced that there are good and sufficient reasons for so doing.*†

258. Reply to Notice of Certification. It shall be the duty of every eligible to respond within a reasonable time after notice of certification. When the eligible resides in the city from which the notice has been mailed, three days after the date the notice is mailed shall be deemed a reasonable time in which to respond. When the eligible resides outside such city, a reasonable time in which to respond shall be three

*† For statutory citations, see note to §1.

days plus the normal time required for the communication to be transmitted by mail to the eligible's place of residence and for his answer to be returned by mail.*†

259. Failure to Respond to Telegram. In the event an eligible is notified by telegram of his certification, his certification is waived if he fails to present himself before the appointing power for interview or to reach the appointing power with some form of communication within 48 hours after the sending of the telegram; and the Executive Officer may then certify the name of the eligible next on the list.*†

260. Failure to Respond to Notices. When the Board, Executive Officer, or a state agency transmits to an eligible a notice of certification or any other communication requiring an answer, failure of the eligible to respond within the time provided by Rules 258 or 259 will result in the removal of his name from the employment list and the placing of his name on the inactive list therefor. His name may be restored to such employment list if, at any time during the period of his eligibility, he satisfactorily explains to the Executive Officer his failure to respond.*†

261. Waiver of Certification. The Executive Officer shall ascertain from each eligible the salary, tenure, location, and other pertinent conditions of employment under which the eligible will accept appointment. Such statement of acceptable conditions of employment shall constitute an automatic waiver of certification to positions having other conditions of employment. The conditions of employment acceptable to an eligible may at any time be changed at his written request; but, in such event, he shall not be entitled to consideration for appointment to any position for which certification has already been forwarded to the appointing power.*†

262. Waiver of Appointment. An eligible may waive appointment after certification. After three waivers of appointment to positions in any given class, his name shall be removed from the employment list and placed on the inactive list for that class. The name of the eligible may be restored to such employment list if he satisfactorily explains to the Executive Officer his reasons for the waivers.*†

263. Report of Appointment. The appointing power shall immediately report each appointment to the Executive Officer.*†

Article 11. Limited Term Appointments

For the general statutory provisions on this subject, refer to Section 19080 of the Act and section following.

281. Duration of Position. No limited term employee may be retained in his position beyond one day less than the probationary period. No time served in any such limited term employment may count toward acquiring permanent status in any position.*†

*† For statutory citations, see note §1.

Article 12. Emergency Appointments

For the general statutory provisions on this subject, refer to Section 19120 of the Act and sections following.

301. Procedure. When emergency appointments are made under Section 19120 of the act, the appointing power shall immediately notify the Executive Officer of the name of the appointee and the duties of the position, the nature of the emergency, and such further data as may be required by the Executive Officer. No authority exists in the appointing power to make an emergency appointment continuous.*†

Article 13. Reinstatement

For the general statutory provisions on this subject, refer to Section 11940 of the Act and sections following.

311. After Resignation. The Executive Officer may approve any reinstatement authorized by the act or these rules.*†

313. Demoted Employee. An employee who has accepted voluntary demotion shall have the same status as a resigned employee with reference to reinstatement to a position in the same or a comparable class from which he accepted demotion.*†

Article 14. Probationary Period

For the general statutory provisions on this subject, refer to Section 19170 of the Act and sections following.

321. Probationary Periods Established. Pursuant to Section 19170 of the Act, the Board hereby establishes probationary periods of six months, nine months, and one year. Every class has a probationary period of six months unless the Board, by affirmative vote recorded in its minutes, specifically designates one of the other probationary periods for a particular class.*†

322. Intermittent Employment. In the case of permanent employment on an intermittent basis, the probationary period shall be deemed completed if the employee works 20 days for each month of probation required regardless of the number of calendar months over which such work extends.*†

323. Reports on Probationers. A report of the probationer's performance shall be made to the Executive Officer within 10 days after the end of each one-third portion of the probationary period. If the employee is rejected during the probationary period, no report shall be filed for the period between the date of his last report, if any, and the date of his rejection. This rule shall be construed to be directory.*†

*† For statutory citations, see note to §1.

324. Duty to Reject Probationer. If the conduct, capacity, moral responsibility, or integrity of the probationer is found to be unsatisfactory, it shall be the duty of the appointing power to reject him from the position.*†

325. Duty to Report Delinquencies. If, during the probationary period of any state employee, there is presented to the Executive Officer evidence that convinces him that the moral conduct, character, or integrity of the employee is unsatisfactory, the Executive Officer shall present such evidence to the appointing power.*†

326. Restoration to Eligible List. If investigation convinces the Executive Officer that the probationer's name should be restored to the eligible list under Section 19175(a) of the Act, the name of a rejected probationer may be restored to the eligible list from which the probationer was certified if such list is still in existence. Any such request by a rejected probationer must be filed with the Board within 30 days after service upon the probationer of the written notice of his rejection. If the probationer's name is restored to such eligible list, it shall be placed thereon in accordance with the probationer's score in the examination from which such list resulted.*†

327. Appeals From Rejection. A probationer who is rejected during his probationary period may file an appeal with the Board requesting that he be restored to his position as provided by Section 19175(b) of the Act. Such appeal must be filed within 30 days after written notice of rejection is served on the probationer. If the Board grants the appeal, it may restore the rejected probationer to his position or may restore his name to the eligible list under the conditions specified in Rule 326.*†

Article 15. Performance Reports

For the general statutory provisions on this subject, refer to Section 19300 of the Act and sections following.

341. Annual Reports. The performance reports required by the act shall be filed with the Executive Officer. Such reports shall ordinarily cover the period of one year. The Executive Officer shall prescribe the months which shall constitute the reporting period for each state agency and the respective dates on which the reports from the various agencies shall be filed with him.*†

342. Semiannual Reports. If, since his last report was filed, there has been a change in an employee's performance which it is believed would affect his tenure or his promotional or salary adjustment rights, the appointing power or the employee may request the Executive Officer to accept a report of performance for the six months' period immediately following the period covered by the employee's last report. Such request shall be filed with the Executive Officer within 30 days after the

*† For statutory citations, see note to §1.

end of the period covered by the report; and the Executive Officer may allow such report to be filed if, in his judgment, it is equitable to do so.*†

344. Preparation and Scoring. Performance reports shall be prepared by the immediate supervisor of the employees concerned or by such other persons as the Board or the Executive Officer may designate. Performance reports shall be scored in such manner as may be designated by the Board or Executive Officer.*†

345. Notice to Employee. Each employee shall be shown the performance report covering his own service and is privileged to discuss it with the appointing power before it is filed. The appointing power shall give each employee a copy of his report of performance at the time the original report is presented for the signature of the employee.*†

346. Appeals. An appeal from a performance report may be filed with the Board within 60 days after the date the performance report is signed by the employee or a copy thereof is served on the employee, whichever period expires first. If the report is served on the employee, an affidavit of service or mailing shall be filed with the Board. Such an appeal should clearly specify the particular report of performance and the particular items of said report which are the subject of the appeal.*†

Article 16. Absences

For the general statutory provisions on this subject, refer to Section 19330 of the Act and the sections following.

361. Leave of Absence. A leave of absence without pay may be granted to a permanent civil service employee; to a probationer who, immediately preceding his appointment to his position, held permanent civil service status in some other class; or to a probationer who was prevented from completing his probationary period because of his entry into the military service of the United States. In any event, a leave of absence may be granted only to an employee who desires to return therefrom to the state civil service and who, at the time the leave is granted, has a satisfactory service record.*†

362. Length. A leave of absence without pay shall not exceed one year except in case of a leave to enter the military service of the United States or a leave granted under Section 19393 or Section 19393.5 of the Act.*†

363. Reason. A leave of absence without pay will be granted only to an employee who desires to attend school or college or to enter training to improve the quality of his service, who enters the military service of the United States, who is temporarily incapacitated by illness, who is loaned to another governmental agency for the performance of a specific assignment, who accepts employment in civilian war work, or who presents some other reason equally satisfactory. A leave of absence shall

*† For statutory citations, see note to §1.

not be granted to an employee who is accepting some other position in the state service or who is leaving the state service to enter other employment, except as hereinabove provided.*†

364. Termination. A leave of absence is terminated by: (a) expiration of the term thereof; (b) the sooner revocation thereof by the appointing power with the approval of the Executive Officer or by the Executive Officer with the approval of the appointing power and by receipt by the employee of written notice of such revocation at least 15 days prior to the effective date of the revocation; or (c) the sooner cancellation thereof by the employee with the approval of the appointing power.*†

365. Procedure. An employee shall not be entitled to a leave of absence as a matter of right. Upon receipt of a request for leave of absence signed by the employee and stating with particularity the reason for the leave, the appointing power may in his discretion either approve or disapprove the request. The request for leave of absence, if approved in writing by the appointing power, shall be submitted to the Executive Officer for approval prior to the date on which the leave is to be effective. The Executive Officer shall approve the request if he finds that it complies with the law and rules relating thereto.*†

366. Filling Vacancy. When a leave of absence without pay is granted, the vacancy thus caused shall be filled only until the return thereto of the employee who is on leave.*†

367. Reinstatement. A report of the reinstatement of an employee upon his return from his leave of absence shall be made immediately by the appointing power to the Executive Officer. At the same time, the appointing power shall file with the Board a notice of the separation of the employee who filled the position during the absence of the employee on leave.*†

368. Fifteen-Day Leave. For a period not exceeding 15 calendar days, the appointing power may grant a leave of absence without pay without securing the approval of the Executive Officer or the Board.*†

369. Failure to Return. The failure of an employee to return to his position at the termination of a leave of absence is an automatic resignation from state service, and the employee shall have the rights prescribed by Section 19503 of the Act.*†

Article 17. Vacations

For the general statutory provisions on this subject, refer to Section 18050 of the Act and sections following.

381. Initial Computation. After six months of continuous service, each employee in the state civil service shall be entitled to vacation on the basis of one and one-quarter working days for each month or major portion of a month of service up to and including the last day of December next following the completion of such six months of service. Thereafter, the employee shall be entitled to the vacation provided by Section 18050 of the Act.*†

*† For statutory citations, see note to §1.

382. Pro Rata Basis. Employees regularly engaged in part-time or intermittent work shall be granted vacation on a pro rata basis.*†

383. Accumulation. In the event an employee is not permitted to take all of the vacation to which he is entitled in any period, he shall be permitted to accumulate the unused portion to his credit, except that he shall at no time be entitled to accumulate a greater total than 30 working days; provided, however, that until 90 days after the Board determines that the present war emergency no longer exists, an employee may accumulate a maximum of 45 working days.*†

384. Right to Vacation. In the event the appointing power does not provide a vacation for an employee for two successive years, the employee may take, as a matter of right, not more than 15 days of accumulated vacation immediately preceding the end of the second of such successive calendar years, the balance of his accumulated vacation to remain to his credit.*†

385. Records. The appointing power shall keep proper records and schedules of vacations accumulated and granted and shall make such reports thereof to the Executive Officer as he may from time to time require.*†

Article 18. Sick Leave

For the general statutory provisions on this subject, refer to Section 18100 of the Act and sections following.

401. Definitions. As used in this article, "sick leave" means the absence from duty of an employee because of his illness or injury, his exposure to contagious disease, his attendance upon a member of his immediate family who is seriously ill and requires the care or attendance of the employee, or death in the immediate family of the employee. "Member of immediate family" means the mother, father, husband, wife, son, daughter, brother, sister, or any other person living in the immediate household of the employee.*†

402. How Granted. The sick leave provided by Section 18100 of the Act is granted by the Executive Officer's approval after the appointing power's certification thereof to the Executive Officer.*†

403. Accumulation. If an employee does not take the full amount of sick leave allowed in any calendar year, the amount not taken may be accumulated from year to year up to a total of 100 working days.*†

404. Prolonged Sickness. In exceptional cases of prolonged sickness resulting from extraordinary service to the State, the Board may grant additional sick leave with full or part pay or without pay.*†

405. Reimbursement for Injury. When an employee uses sick leave because of an injury compensable under the Labor Code and the

*† For statutory citations, see note to §1.

State is reimbursed by a third person for its damages by reason of such use, there shall be granted, for credit to the employee's sick leave account, sick leave equivalent to the amount so used or proportionately if reimbursement is only in part. If the State does not collect from the third person the full amount of the compensation paid and other damages for which it is liable to the employee and if the amount collected is not itemized so that there may be ascertained the amount collected in reimbursement for the sick leave used, the sick leave to be credited shall be in the same ratio to the sick leave used as the total amount collected bears to the total amount of the State's damages. "Sick leave" as used in this rule includes sick leave credit used to augment disability indemnity.*†

406. **Evidence of Sickness.** The Executive Officer may require a physician's certificate or other evidence to substantiate an employee's request for sick leave.*†

407. **Reports.** Sick leave shall be certified by the appointing power upon forms prescribed by the Executive Officer.*†

408. **Family Care.** Five consecutive working days shall be the maximum sick leave for any single period that may be granted to an employee for the care of members of his family.*†

409. **Appeal.** An employee may appeal to the Board from the failure or refusal of the appointing power to certify a request for sick leave.*†

Article 19. Transfer

For the general statutory provisions on this subject, refer to Section 19360 of the Act and sections following.

425. **To Another Agency.** A transfer as provided by Section 19363 of the Act may be made if the transfer is: To a position of the same or a comparable class; requested in writing by the appointing power under whom exists the position to be filled; approved in writing by the appointing power by whom the employee was theretofore employed; and approved in writing by the Executive Officer.*†

Article 20. Separations From Service

For the general statutory provisions on this subject, refer to Section 19500 of the Act and sections following.

445. **Resignation From State Service.** An employee may resign from state service by submitting his written resignation to the appointing power. A copy of such resignation shall immediately be filed by the appointing power with the Board.

*† For statutory citations, see note to §1.

without undue delay. The calendar shall be mailed to each member of the Board at least five days prior to such regular meeting. Matters which have not been placed upon the calendar shall not be considered by the Board except by the unanimous consent of the members present at the meeting.*†

35. Continuance. All matters appearing on the calendar that are not disposed of shall appear on the next calendar as items of unfinished business.*†

36. Roster. At the Sacramento office of the Board, the Executive Officer shall maintain an official roster containing the names and complete employment records of all employees holding positions in the state civil service. The roster shall contain complete records of all salary payments or other compensation allowed each employee for services rendered during his state employment.*†

Article 4. Hearings

For the general statutory provisions on this subject, refer to Section 18670 of the Act and sections following.

51. Scope of Article. Except as otherwise provided herein, this article shall not apply to any disciplinary proceeding filed under Section 19574 of the act.*†

52. Definitions. Unless the context requires otherwise, the definitions immediately hereinafter set forth govern the construction of this article.*†

53. "Appeal" means any written request for relief filed with the Board and includes "application," "petition," and "protest."*†

54. "Appellant" means the person or state agency filing any appeal with the Board.*†

55. "Hearing Officer" means a person employed by the Board in the class of Hearing Officer, State Personnel Board or Referee, State Personnel Board.*†

56. "Respondent" means the person or state agency whose interests are adverse to those of the appellant or who will be directly affected by the Board's decision.*†

63. Appeal. Every appeal filed with the Board shall be written. It shall state the facts upon which it is based and the relief requested in sufficient detail to enable the Board to understand the nature of the proceeding and the parties concerned. Unless the appeal names some other respondent, the appellant's appointing power shall be considered the only respondent. The Executive Officer or Hearing Officer shall mail or serve a copy of the appeal to or on the respondent.*†

67. Decision. Unless a proper application for rehearing is made, every decision by the Board shall become final 30 days after the Executive

*† For statutory citations, see note to §1.

Officer or Hearing Officer has served a copy of such decision upon the parties to the proceeding in which the decision is rendered.*†

68. Rehearing. Within 30 days after service on him of a copy of the decision rendered by the Board, any party to the proceeding may apply for a rehearing by filing with the Board a written petition therefor. Within 30 days after such filing, the Executive Officer or Hearing Officer shall serve upon the other parties to the proceeding a copy of the petition for rehearing. Within 60 days after such service of the petition for rehearing, the Board shall either grant or deny the petition in whole or in part. Failure to act upon a petition for rehearing within this 60-day period is a denial of the petition.*†

69. Reference to Hearing Officer. When there are filed with the Board any charges under Section 19574 of the act or any appeal from a disciplinary suspension, from a layoff, from a report of performance, from a denial of sick leave, from a transfer, from an automatic or voluntary resignation, or from rejection during probationary period if reinstatement to the position is requested, such filing shall automatically operate as the reference of every such proceeding to the Hearing Officer for hearing; but no such reference shall preclude the Board from recalling the proceeding for hearing by it. Any other proceeding may be assigned by the Board or its president to the Hearing Officer for hearing or investigation. In any case, when a proceeding has been assigned to the Hearing Officer, he is the authorized representative of the Board and is fully authorized and empowered to grant or refuse extensions of time, to set such proceeding for hearing, to conduct a hearing or investigation in every such proceeding, and to perform any and all other acts in connection with such proceeding that may be authorized by law or these rules.*†

73. Public Hearing; Counsel. Every hearing, including the hearing of a disciplinary proceeding, shall be public. Any party may be represented by counsel.*†

Article 5. Compensation

For the general statutory provisions on this subject, refer to Section 18850 of the Act and sections following.

91. The Pay Plan. The pay plan for the state civil service consists of the salary ranges established by the Board and the rules contained in this article. Up-to-date and accurate copies of the pay plan shall be be maintained in the offices of the Board. From time to time, the Executive Officer shall cause the pay plan to be published and made available for distribution at a reasonable cost.*†

92. Full and Part Time Rates. The salary range for each class represents the standard monthly rate of pay for full-time employment unless it is specifically stated in the schedule of salary ranges that the rate is for part-time employment or on another basis of payment. Where there is part-time employment in a position for which a monthly, full-time

*† For statutory citations, see note to §1.

cies shall cover articles of machinery or equipment only during the period of installation and testing.

(N) Movable Equipment Floaters, e. g., contractors' equipment, mechanical sales devices, storage batteries; stevedores', divers' and undertakers' equipment and other property of a mobile or floating nature, not on sale or consignment, or in the course of manufacture, which has come into the custody and/or control of parties who intend to use such property for the purpose for which it was manufactured or created.

Such policies shall not include coverage of storage risks at premises controlled or leased by the assured, except where purely incidental to the regular or frequent use of the equipment or property.

(O) Miscellaneous Movable Articles Floaters, e. g., outboard motors, parachutes and balloons, scientific and surveyors' instruments, harvesters; articles for sport and recreation, musical scores and orchestrations and other similar property of a mobile or floating nature, not on sale or consignment, or in the course of manufacture, which has come into the custody and/or control of parties who intend to use such property for the purpose for which it was manufactured or created, such policies to contain an itemized list of articles insured, with description and amount or value of each.

(P) Property in transit to and/or from and while waiting for or undergoing processing in bleacheries or fumigatories or on premises of dyesters, throwsters and other similar processors until delivered to storage warehouses or final place of delivery contemplated at the time the shipment was made.

Provided, however, that such policies shall not cover bailee's property at his premises.

(Q) Installment Sales and Leased Property. Policies covering property sold under conditional contract of sale, partial payment contract, installment sales contract, or leased. Such policies must cover in transit but shall not extend beyond the termination of the seller's or lessor's interest.

Provided, however, that property not mobile in character, under lease or leased on a royalty basis, may not be so insured although title remains in the lessor.

(R) Bailee's Customers Policies covering personal property of customers. Such policies shall cover in transit and during process at e.g., laundrymen's, dyers' and cleaners' premises, provided, however, that such policies shall not cover bailee's property at his premises.

(S) Furriers and/or Fur Storer's Customer's Policies (i.e., policies under which certificates and/or receipts are issued by furriers and/or fur stores) covering specified

*† For statutory and source citations, see note to §2320.

garments the property of customers, but only while in the custody of the furrier and/or fur storer.

(T) Silverware Floaters.*†

(U) Policies providing multiple perils coverage on goods of the assured's customers consisting principally of meats, game, fish, poultry, fruit, vegetables, and all property of a similar nature being property of the customer, accepted by the assured for processing, transportation to or from, and storage in cold storage lockers.

"Cold storage lockers" as used herein means standard sized individual compartments, generally of 12 cubic feet or less capacity each, in any building or portion thereof under refrigeration, which are generally rented to individuals for the purpose of storage and/or freezing of privately owned articles of food for use and consumption by the owner of the food or his family. (Dated November 1, 1944)

(V) Policies providing all risks coverage on property for sale while in the possession of dealers under a floor plan or any similar plan under which the dealer borrows money from a bank or other lending institution with which to pay the manufacturer, provided:

1. Such property is encumbered to a bank or lending institution and specifically indentified as so encumbered.

2. The dealers' right to sell or otherwise dispose of such property is conditioned upon its being released from encumbrance by the bank or lending institution.

3. Such policies cover in transit and do not extend beyond the termination of the dealers' interest.

This paragraph does not permit coverage under marine forms of policies of merchandise subject to financial arrangements under which the dealer's collateral is his stock or inventory, as distinguished from merchandise specifically indentified as encumbered through the bank or lending institutions, nor does this paragraph permit coverage, under marine forms of policies as distinguished from policies of automobile insurance, of automobiles in possession of dealers under a floor plan.*† (Filed 6-4-47)

2322. Marine and/or transportation policies shall not cover property under the following conditions:

(a) Storage of assured's merchandise, except as hereinbefore provided.

(b) Merchandise in course of manufacture, the property of and on the premises of the manufacturer.

(c) Furniture or fixtures in use, or improvements to buildings except as provided above. This shall not forbid the writing of the policy sometimes referred to as "The Householders' Comprehensive."

(d) Fire risk on all building materials while in course of erection after seller's interest ceases.

*† For statutory and source citations, see note to §2320.

(e) Fire or other risks on merchandise in permanent location, sold under partial payment, contract of sale, or installment sales contract, which involves protection of the purchaser's interest after seller's interest ceases.

(f) Risks on monies and/or securities in safes, vaults, safety deposit vaults, bank or assured's premises, except while in course of transportation.

(g) Risks of fire, tornado, sprinkler leakage, earthquake, hail, explosion, riot, and/or civil commotion on buildings, structures, wharves, piers, docks, bulkheads and sheds and other fixed real property on land and/or over water, except as provided in Section 2321, Subdivision D.

(h) Plumbing installations in residences can not be covered by an installation floater. Pipes and plumbing equipment after installation become portions of the building and are not embraced within the commonly accepted classification of the type of machinery and equipment which the installation floater was designed to cover.*†

Article 6. Taxation

2324. (a) Every insurance company or association doing business in this State is hereby required to include in its Premium Tax Return to this Department for the years 1941, et seq., all premiums received by it during each of said years upon insurance business done in all Federal Areas located within the exterior boundaries of the State of California.

(b) Where premiums for insurance upon the lives or health of members of the armed forces or their families are collected directly from the fiscal officer of either branch of the service under salary allotment authorizations, such premiums are to be allocated to California:

(1) In cases where the insurance was in force prior to the entry into the armed service and the last premium previous to such entry was allocable to California under the normal and usual rules for allocation of premiums.

(2) In cases of all insurance originating in Federal Areas located within the exterior boundaries of the State of California when, because of the peculiar status of military personnel with respect to established residence, the normal rules for allocation of premiums are impossible or impractical of application, for so long as such conditions continue to exist.

(c) The fact that premiums are collected under salary allotment authorizations does not of itself render them exempt from such tax to which they are otherwise subject under the statutes quoted, as herein construed and interpreted. (Pol. Code §§ 34, 3666a, 54 U. S. Stats., p. 1059, 4 U. S. C. A. 13a)*†

Article 7. Rates and Rating Systems

2350. Rules, Classifications and Basic Rates for Workmen's Compensation Insurance. (See separate manual.)

NOTE.—The authority for §§2350 to 2353, inclusive, is Sections 11730 to 11742, inclusive, Insurance Code. The source of §§2350 to 2353, inclusive, is the Rules and Regulations, Insurance Commissioner.

*† For statutory and source citations, see note to §2050.

2351. Industrial Compensation Rating Schedule. (See separate manual.)*†

2352. Retrospective Rating Plan, Workmen's Compensation Insurance. (See separate manual.)*†

2353. Experience Rating Plan, Workmen's Compensation Insurance. (See separate manual.)*†

(The Insurance Commission has issued the manuals named above in this Article 7. Same are filed but for the present are separately published, not as a part of the Administrative Code.

Information concerning same may be obtained from the Insurance Commissioner at No. 417 Montgomery Street, San Francisco, California.) (§§2050 to 2353, inclusive, filed 5-10-46)

*† For statutory and source citations, see note to §2350.

2313. Workmen's Compensation carriers required to file Special California Schedule P with this Department, are likewise directed to file this special schedule in two parts, one covering the experience and reserves on business rated under the California Defense Rating Plan and the other covering the experience and reserves on the general business of the company exclusive of the business rated under said plan.*†

2314. Reserves on liability and workmen's compensation policies rated under the special defense rating plans hereinabove referred to shall be maintained in an amount not less than that determined by application of the statutory formulae, as outlined in Schedule P, nor less than the determined and the estimated unpaid claims under such policies; provided that in the case of liability insurance such reserves shall also be in an amount not less than $750.00 for each outstanding liability suit on such policies. (Ins. Code 902, 923)*†

2315. For the purposes of Sections 2315 and 2316, the following definitions shall apply:

(a) "Defense Business" means all insurance business lawfully transacted under the War Department Comprehensive Rating Plan for Liability and Workmen's Compensation on Cost-Plus-a-Fixed-Fee Defense Contracts, or under similar defense rating plans.

(b) "Standard Business" means all workmen's compensation insurance business and all liability insurance business other than Defense Business.

(c) "Equity" means:

(1) With respect to that part of the workmen's compensation loss reserve, which is required under Section 11561 of the Insurance Code (as amended by Chapter 938, Statutes of 1943), the excess of 65% of the earned compensation premiums under policies written in any of the three years specified in that section (after deducting from said 65% all loss and loss expense payments made in connection with claims under policies written in the corresponding year), over the present value at 4 per cent interest of the determined and the estimated unpaid compensation claims under policies written during such year.

(2) With respect to that part of the liability loss reserve, which is required under Section 11559 of the Insurance Code, the excess of 60% of the earned liability premiums under policies written in any of the three years specified in that section (after deducting from said 60% all loss and loss expense payments made under liability policies written in the corresponding year), overall outstanding liability suits on that year's policies, estimated at not less than $750 for each such suit.

(d) "Deficit" means the opposite of "Equity."*†

2316. Reserves for unpaid workmen's compensation losses and reserves for unpaid liability losses, arising out of Defense Business, shall be reported separately from such reserves arising out of Standard Business, on forms to be supplied by the Insurance Commissioner, and computed as prescribed by law.

* For statutory citations, see note to §2310.
† For source citations, see note to §2050.

For the purpose of showing financial condition, an existing Equity may, *subject to the reservations hereinafter stated,* be applied in reduction of a Deficit existing in the same class of insurance with respect to the same policy year. Such reduction shall not exceed the amount of the Equity, nor the amount of the Deficit.

The reservations hereinabove referred to are as follows:

(a) If the present value at 4 per cent interest of the determined and the estimated compensation claims, or the estimated amount of outstanding liability suits, as the case may be, has been persistently understated to a material extent in preceding reports, the reduction otherwise allowable under this ruling shall not be available for the purpose of showing financial condition.

(b) Pursuant to the provisions of Section 11557 of the Insurance Code, the Insurance Commissioner shall require the maintenance of additional reserves on such basis as he prescribes, whenever the liability or compensation loss reserves of any insurer, computed pursuant to law, seem to him inadequate.*†

2317. Except as hereinabove provided, Sections 2311, 2312 and 2313 shall remain in full force and effect, and the provisions of Sections 2314 and 2315 shall apply to annual statements for 1943 and for subsequent years, until further notice.*†

Article 5. Marine Insurance

2320. The following definition and interpretation of the insuring powers in this State of admitted marine insurers is and has been adopted by the Insurance Commissioner, and all admitted marine insurers are hereby ordered to comply therewith and limit their insurances to the scope thereof:

NOTE.—§§2320 to 2322 issued under authority of Sections 103, 12921, 12921.5 and 12926, Insurance Code. The source of §§2320 to 2322 is the Rules and Regulations of the Insurance Commissioner.

2321. Marine and/or transportation policies may cover under the following conditions:

(a) **Imports**

(1) Imports on consignment may be covered wherever the property may be and without restriction as to time, provided the coverage of the issuing companies includes hazards of transportation.

A shipment "on consignment" shall mean property consigned and intrusted to a factor or agent to be held in his care, or under his control for sale for account of another or for exhibit or trial or approval or auction, and if not disposed of, to be returned.

(2) Imports not on consignment in such places of storage as are usually employed by importers, provided the coverage of the issuing companies includes hazards of transportation.

Such policies may also include the same coverage in respect to property purchased on C. I. F. terms or "spot" purchases

* For statutory citations, see note to §2310.
† For source citations, see note to §2050.

for inclusion with or in substitution for bona fide importations.

An import as a proper subject of marine or transportation insurance, shall be deemed to maintain its character as such so long as the property remains segregated in the original form or package in such a way that it can be identified and has not become incorporated and mixed with the general mass of property in the United States, and shall be deemed to have been completed when such property has been:

(A) Sold and delivered by the importer, factor or consignee; or

(B) Removed from place of storage as described in paragraph "2" above and placed on sale as part of importer's stock in trade at a point of sale-distribution; or

(C) Delivered for manufacture, processing or change in form to premises of the importer or of another used for any of such purposes.

(b) **Exports**

(1) Exports may be covered wherever the property may be without restriction as to time, provided the coverage of the issuing companies includes hazards of transportation.

An export, as a proper subject of marine or transportation insurance, shall be deemed to acquire its character as such when designed or while being prepared for export and retain that character unless diverted for domestic trade, and when so diverted, the provisions of this Ruling respecting domestic shipments shall apply, provided, however, that this provision shall not apply to long established methods of insuring certain commodities, e. g., cotton.

(c) **Domestic Shipments**

(1) Domestic shipments on consignment, provided the coverage of the issuing companies includes hazards of transportation.

(A) Property shipped on consignment for sale or distribution, while in transit and not exceeding thirty (30) days after arrival at consignee's premises or other place of storage or deposit; and

(B) Property shipped on consignment for exhibit, or trial, or approval, or auction, while in transit, while in the custody of others and while being returned.

(2) Domestic shipments not on consignment, provided the coverage of the issuing companies includes hazards of transportation, beginning and ending within the United States, provided that such shipments shall not be covered at points of sale-distribution or manufacturing premises nor after arrival at such points or at premises owned, leased or controlled by assured or purchaser, nor for more than thirty (30) days at other place of storage or deposit, except in premises of transportation companies or freight forwarders, when such storage is incident to transportation.

(d) Bridges, tunnels and other instrumentalities of transportation and communication (excluding buildings, their furniture and furnishings, fixed contents and supplies held in storage) unless fire, tornado, sprinkler leakage, hail, explosion, earthquake, riot and/or civil commotion are the only hazards to be covered. Piers, wharves, docks and slips, excluding the risks of fire, tornado, sprinkler leakage, hail, explosion, earthquake, riot and/or civil commotion. Other aids to navigation and transportation, including dry docks and marine railways, against all risks.

(e) **Personal Property Floater Risks**

(1) **Covering Individuals**

(A) Tourist and/or Personal Effects Floater Policies, which policies shall exclude hazards while in a permanent residence of the assured.

(B) Personal Fur Floater.

(C) Personal Jewelry Floater.

(2) **Covering Individuals and/or Generally.**

(A) Fine Arts Floaters. To cover objects of art such as pictures, statuary, bronzes and antiques, rare manuscripts and books, articles of virtu, etc., but excluding stained glass windows and carved glass used for commercial purposes.

(B) Musical Instrument Floaters, excluding household instruments not customarily moved from the assured's premises.

(C) Radium Floaters.

(D) Physicians' and Surgeons' Instrument Floaters. Such policies shall not cover instruments and professional equipment not commonly carried with the assured, nor furniture and/or fixtures.

(E) Pattern Floaters, excluding coverage on the assured's premises.

(F) Theatrical Floaters, excluding buildings and their improvements and betterments and furniture and fixtures that do not travel about with theatrical troupes.

(G) Film Floaters, including builders' risk during the production and coverage on completed negatives and positives and sound records.

(H) Salesmen's Samples Floaters, excluding coverage on the assured's premises.

(I) Wedding Present Floaters for not exceeding ninety (90) days after the date of the wedding.

(J) Jewelers' Block Policies, excluding improvements and betterments of buildings, furniture, fixtures, tools, and machinery of the assured.

(K) Exhibition Policies on property while on exhibition and in transit to and/or from such exhibitions.

(L) Horses and Wagon Policies covering wherever horses or other animals, wagons and equipment may be.

(M) Installation Risks covering loss to seller on account of physical damage to the property. Such poli-

cies shall cover articles of machinery or equipment only during the period of installation and testing.

(N) Movable Equipment Floaters, e. g., contractors' equipment, mechanical sales devices, storage batteries; stevedores', divers' and undertakers' equipment and other property of a mobile or floating nature, not on sale or consignment, or in the course of manufacture, which has come into the custody and/or control of parties who intend to use such property for the purpose for which it was manufactured or created.

Such policies shall not include coverage of storage risks at premises controlled or leased by the assured, except where purely incidental to the regular or frequent use of the equipment or property.

(O) Miscellaneous Movable Articles Floaters, e. g., outboard motors, parachutes and balloons, scientific and surveyors' instruments, harvesters; articles for sport and recreation, musical scores and orchestrations and other similar property of a mobile or floating nature, not on sale or consignment, or in the course of manufacture, which has come into the custody and/or control of parties who intend to use such property for the purpose for which it was manufactured or created, such policies to contain an itemized list of articles insured, with description and amount or value of each.

(P) Property in transit to and/or from and while waiting for or undergoing processing in bleacheries or fumigatories or on premises of dyesters, throwsters and other similar processors until delivered to storage warehouses or final place of delivery contemplated at the time the shipment was made.

Provided, however, that such policies shall not cover bailee's property at his premises.

(Q) Installment Sales and Leased Property. Policies covering property sold under conditional contract of sale, partial payment contract, installment sales contract, or leased. Such policies must cover in transit but shall not extend beyond the termination of the seller's or lessor's interest.

Provided, however, that property not mobile in character, under lease or leased on a royalty basis, may not be so insured although title remains in the lessor.

(R) Bailee's Customers Policies covering personal property of customers. Such policies shall cover in transit and during process at e.g., laundrymen's, dyers' and cleaners' premises, provided, however, that such policies shall not cover bailee's property at his premises.

(S) Furriers and/or Fur Storer's Customer's Policies (i.e., policies under which certificates and/or receipts are issued by furriers and/or fur stores) covering specified garments the property of customers, but only while in the custody of the furrier and/or fur storer.

(T) Silverware Floaters.*†

*† For statutory and source citations, see note to §2320.

(U) Policies providing multiple perils coverage on goods of the assured's customers consisting principally of meats, game, fish, poultry, fruit, vegetables, and all property of a similar nature being property of the customer, accepted by the assured for processing, transportation to or from, and storage in cold storage lockers.

"Cold storage lockers" as used herein means standard sized individual compartments, generally of 12 cubic feet or less capacity each, in any building or portion thereof under refrigeration, which are generally rented to individuals for the purpose of storage and/or freezing of privately owned articles of food for use and consumption by the owner of the food or his family. (Dated November 1, 1944)*†

2322. Marine and/or transportation policies shall not cover property under the following conditions:

(a) Storage of assured's merchandise, except as hereinbefore provided.

(b) Merchandise in course of manufacture, the property of and on the premises of the manufacturer.

(c) Furniture or fixtures in use, or improvements to buildings except as provided above. This shall not forbid the writing of the policy sometimes referred to as "The Householders' Comprehensive."

(d) Fire risk on all building materials while in course of erection after seller's interest ceases.

(e) Fire or other risks on merchandise in permanent location, sold under partial payment, contract of sale, or installment sales contract, which involves protection of the purchaser's interest after seller's interest ceases.

(f) Risks on monies and/or securities in safes, vaults, safety deposit vaults, bank or assured's premises, except while in course of transportation.

(g) Risks of fire, tornado, sprinkler leakage, earthquake, hail, explosion, riot, and/or civil commotion on buildings, structures, wharves, piers, docks, bulkheads and sheds and other fixed real property on land and/or over water, except as provided in Section 2321, Subdivision D.

(h) Plumbing installations in residences can not be covered by an installation floater. Pipes and plumbing equipment after installation become portions of the building and are not embraced within the commonly accepted classification of the type of machinery and equipment which the installation floater was designed to cover.*†

Article 6. Taxation

2324. (a) Every insurance company or association doing business in this State is hereby required to include in its Premium Tax Return to this Department for the years 1941, et seq., all premiums received by it during each of said years upon insurance business done in all Federal Areas located within the exterior boundaries of the State of California.

*† For statutory and source citations, see note to §2320.

(b) Where premiums for insurance upon the lives or health of members of the armed forces or their families are collected directly from the fiscal officer of either branch of the service under salary allotment authorizations, such premiums are to be allocated to California:

(1) In cases where the insurance was in force prior to the entry into the armed service and the last premium previous to such entry was allocable to California under the normal and usual rules for allocation of premiums.

(2) In cases of all insurance originating in Federal Areas located within the exterior boundaries of the State of California when, because of the peculiar status of military personnel with respect to established residence, the normal rules for allocation of premiums are impossible or impractical of application, for so long as such conditions continue to exist.

(c) The fact that premiums are collected under salary allotment authorizations does not of itself render them exempt from such tax to which they are otherwise subject under the statutes quoted, as herein construed and interpreted. (Pol. Code §§ 34, 3666a, 54 U. S. Stats., p. 1059, 4 U. S. C. A. 13a)*†

Article 7. Rates and Rating Systems

2350. Rules, Classifications and Basic Rates for Workmen's Compensation Insurance. (See separate manual.)

NOTE.—The authority for §§2350 to 2353, inclusive, is Sections 11730 to 11742, inclusive, Insurance Code. The source of §§2350 to 2353, inclusive, is the Rules and Regulations, Insurance Commissioner.

2351. Industrial Compensation Rating Schedule. (See separate manual.)*†

2352. Retrospective Rating Plan, Workmen's Compensation Insurance. (See separate manual.)*†

2353. Experience Rating Plan, Workmen's Compensation Insurance. (See separate manual.)*†

(The Insurance Commission has issued the manuals named above in this Article 7. Same are filed but for the present are separately published, not as a part of the Administrative Code.

Information concerning same may be obtained from the Insurance Commissioner at No. 417 Montgomery Street, San Francisco, California.) (§§2050 to 2353, inclusive, filed 5-10-46)

*† For statutory and source citations, see note to §2050.
*† For statutory and source citations, see note to §2350.

2353. Experience Rating Plan, Workmen's Compensation Insurance. (See separate manual.)

Article 8. California Automobile Assigned Risk Plan

GENERAL

2400. This Plan consists of the rules and regulations contained in this Article and is approved and issued by the Insurance Commissioner pursuant to Article 4, Chapter 1, Part 3, Division 2 of the Insurance Code.

(a) To provide a means by which risks of applicants for automobile bodily injury and property damage liability insurance who are in good faith entitled to such insurance but are unable to procure it through ordinary methods may be assigned to insurers admitted to transact liability insurance, and

(b) To establish a procedure for the equitable apportionment of such applicants among all such insurers for insurance of such risks.

NOTE—§§2400 to 2498, inclusive, issued under authority contained in Section 11620, Insurance Code.

History: New Sections 2400 to 2498, inclusive, filed 12-17-47, designated to be effective 1-19-48 (Register 10, No. 7).

2401. This Plan and the instrumentality through which it is administered shall be known as the "California Automobile Assigned Risk Plan."

2402. This Plan shall take effect at 12.01 a.m., Pacific Standard Time, on January 19, 1948.

2403. Unless the context otherwise requires, as used herein

(a) "Insurer" means an insurer required to participate in this Plan.

(b) "Commissioner" means the Insurance Commissioner.

(c) "Automobile" refers to the automobile incident to whose ownership, operation, maintenance, or use the liability hazards sought to be insured against exist.

(d) "Vehicle" and "Motor Vehicle" mean "vehicle" and "motor vehicle," respectively, as defined in the Vehicle Code.

(e) "Registered," "registration," "operator's license," and "chauffeur's license" have the same meanings as they have in the Vehicle Code.

2404. This Plan shall be available to all residents of California, and to all non-residents, with respect to ownership, operation, maintenance or use of automobiles registered in the State of California.

2405. Subject to the provisions of Section 11621 of the Insurance Code and Section 2449 of this Article, every insurer admitted to transact liability insurance shall participate in this Plan.

2406. Every policy of automobile liability insurance issued pursuant to assignment under this Plan shall provide coverage in an amount not less than $5,000 for bodily injury to or death of each person as a result of any one accident and, subject to said limit as to one person, in an amount not less than $10,000 for bodily injury to or death of all persons as a result of any one accident, and in an amount not less than $5,000 for damage to property of others as a result of any one accident.

2407. Such policy shall afford standard coverage and restrictive endorsements shall not be employed:

(a) Except for the purpose of eliminating the Automatic Renewal Clause.

(b) Except as provided in Section 2438.

(c) Unless approved by the Governing Committee and not in defeasance of the purposes of the Plan and the statute under which it is approved and issued.

ADMINISTRATION

2420. The Plan shall be administered by a Governing Committee and a Manager who shall establish an administrative office in San Francisco and a branch office in Los Angeles.

2421. The Governing Committee, sometimes herein referred to in the Plan as the Committee, shall consist of five persons, each representative of one of the following groups or classes of insurers:

(a) Insurers members of the National Bureau of Casualty Underwriters.

(b) All other stock insurers.

(c) Insurers members of the National Association of Automotive Mutual Insurance Companies.

(d) All other mutual insurers.

(e) Reciprocal or interinsurance exchanges.

2421.1. (a) During the first three months, or less, following the effective date of this Plan the Committee shall be comprised, until the election of their successors, of those five representatives of the groups or classes of insurers described in Section 2421 who constitute, on January 17, 1948, the Governing Committee of the voluntary California Automobile Assigned Risk Plan then in existence.

(b) Within such three months' period, on a date fixed by the Committee, and annually thereafter at an annual meeting on a date fixed by the Committee, called upon not less than 20 days' notice in writing to all insurers, the Committee shall be elected by the insurers. A majority of the insurers shall constitute a quorum and voting by proxy shall be permitted.

(c) At such annual meeting each respective group or class of insurers shall elect a member of the Committee, and an alternate to

serve in his absence, but if it fails to do so, all insurers in attendance at such meeting shall elect from the group or class so failing a member of the Committee and an alternate, to be representative of such group or class.

2421.1a. The Committee shall meet as often as it deems necessary, but not less than once a month on a date fixed by it, for the purpose of reviewing assignments by the Manager and performing the general duties of administration of the Plan. Three members of the Committee shall constitute a quorum for the transaction of business.

2421.2. The Committee shall select and appoint a Manager of the Plan and shall fix and determine his compensation and the compensation of such other employees as the Manager may employ with its approval.

2421.3. The Committee shall keep a record of all of its proceedings and shall have power and authority to administer the Plan and shall be responsible for all property of the Plan.

2421.4. The Committee shall have authority to budget estimated expenses and costs of administering the Plan and to levy assessments therefor upon the insurers. It shall collect all fees, assessments and other money payable to the Plan and deposit same in a bank designated by it to the credit of the California Automobile Assigned Risk Plan and shall keep proper account of all such funds.

2421.5. The Committee shall have authority to disburse the funds of the Plan in payment of necessary expenses for the administration of the Plan.

2421.6. The Committee may designate one or more individuals to sign checks and drafts in the name and on behalf of the California Automobile Assigned Risk Plan Governing Committee in the transaction of its business, subject to such approval as the Committee may determine. It shall require each person authorized to sign checks and drafts on its behalf to give bond with an admitted surety insurer as surety in such penal sum as the Committee determines, for the faithful and honest discharge of his duties and for the faithful and honest receipt, custody and disbursement of the funds of the Plan.

2421.7. The Committee shall keep such records and make such reports as are required by Sections 2494 and 2494.5.

2421.8. The Committee shall faithfully and impartially perform and exercise the functions and duties elsewhere in this Plan vested in and imposed upon it.

2421.9. After consultation with the insurers, the Committee may submit to the Insurance Commissioner for approval recommendations for amendments to this Plan

2422. The Manager shall be the administrative executive of the Plan and shall serve at the pleasure of and be subject to the direction of the Committee. He shall make all assignments under the Plan and faithfully and impartially perform the functions and duties elsewhere in this Plan vested in and imposed upon him and shall keep such statistics and

records and make such reports as are required or authorized by Sections 2492, to 2492.5, both inclusive. With the approval of the Committee he may employ such assistance as may be necessary to the efficient operation of the plan.

ELIGIBILITY

2430. This Plan shall apply only to risks of applicants who are in good faith entitled to automobile bodily injury and property damage liability insurance but are unable to procure it through ordinary methods. Except as otherwise provided in Sections 2431 to 2437, both inclusive, an applicant shall be deemed to be in good faith entitled to insurance.

2431. An applicant is not in good faith entitled to insurance if, during the three-year period immediately preceding the date of the application the applicant or anyone who normally or usually drives the automobile has been convicted more than twice for one, or more than once each for two, of the following offenses:

(a) Driving a vehicle while intoxicated or under the influence of intoxicating liquor in violation of Section 502 of the Vehicle Code.

(b) Driving a vehicle in a reckless manner where injury to person or damage to property actually results therefrom.

(c) Driving a vehicle at an excessive rate of speed where injury to person or damage to property actually results therefrom.

2431.1. An applicant is not in good faith entitled to insurance if, during the three-year period immediately preceding the date of application, the applicant or anyone who normally or usually drives the automobile has been convicted more than once of one, or once each for two or more, of the following offenses:

(a) Failing to stop and report when involved in an accident as required by Section 480 of the Vehicle Code.

(b) Manslaughter or negligent homicide resulting from the operation of a vehicle.

(c) Theft or unlawful taking of a vehicle in violation of Section 503 of the Vehicle Code, or grand theft of a vehicle.

(d) Any felony in the commission of which a motor vehicle is used.

(e) Driving while under the influence of intoxicating liquor and causing the death of or bodily injury to any person in violation of Section 501 of the Vehicle Code.

(f) Operation of a motor vehicle during period of revocation or suspension of registration of operator's license.

(g) Permitting any unlawful use of an operator's or chauffeur's license, or any other offense under Section 338 of the Vehicle Code.

2431.1a. An applicant is not in good faith entitled to insurance if, during the three-year period immediately preceding the date of the application the applicant, or anyone who normally or usually drives the automobile has been addicted to the use of, or has been convicted of being under the influence of, narcotics or other drugs.

2431.2. An applicant is not in good faith entitled to insurance if, during the three-year period immediately preceding the date of the application the applicant or anyone who normally or usually drives the automobile has been convicted more than once for any one, or once each for more than one, of the offenses listed under Section 2431 and once for any of the offenses listed under Section 2431.1.

2431.2a. An applicant is not in good faith entitled to insurance if, upon the basis of investigation by the insurer to which the risk is assigned, it is determined to the satisfaction of the Committee that the applicant or anyone who normally or usually drives the automobile habitually uses alcoholic beverages to excess.

2431.3. An applicant is not in good faith entitled to insurance if, upon the basis of investigation by the insurer to which the risk is assigned, it is determined to the satisfaction of the Committee that the applicant has wilfully failed to fully disclose in his application his record of such serious motor vehicle accidents or traffic violations as are material to the acceptance of the risk.

2431.3a. An applicant is not in good faith entitled to insurance if, upon the basis of investigation by the insurer to which the risk is assigned, it is determined to the satisfaction of the Committee that the applicant has operated a motor vehicle during the period of revocation or suspension of his operator's license, on more than one occasion.

2431.4. An applicant is not in good faith entitled to insurance if, upon the basis of the investigation by the insurer to which the risk is assigned, it is determined to the satisfaction of the Committee that the automobile is so defective in respect to brakes, lights, tires, horn, windshield, steering mechanism or general condition as to endanger public safety, and the Committee has required that the necessary repairs be made as a condition to acceptance, but the applicant has failed to submit a certificate from a reputable repair shop stating that such necessary repairs have been so made and completed.

2431.4a. An applicant is not in good faith entitled to insurance if, during the 12 months' period immediately preceding the date of application, the applicant has intentionally registered a motor vehicle in this State illegally; or has made false statements in the license application or registration as to name or address; or has impersonated an applicant for license or registration or procured an impersonation whether for himself or for another.

2431.5. An applicant is not in good faith entitled to insurance if the applicant or anyone who normally or usually drives the automobile, has failed to meet all obligations to pay automobile bodily injury and property damage liability insurance premiums contracted during the previous 12 months.

2431.5a. An applicant is not in good faith entitled to insurance if the applicant or anyone who normally or usually drives the automobile, or anyone who drives it with the express or implied consent of the applicant, has a major mental or physical disability.

2431.6. An applicant is not in good faith entitled to insurance if the risk consists of or includes a vehicle used in carrying passengers for hire or compensation.

2431.6a. An applicant is not in good faith entitled to insurance if the risk consists of or includes a vehicle used in the transportation of explosives, gasoline, or other highly inflammable or explosive liquids, gases or materials.

2431.7. An applicant is not in good faith entitled to insurance if the risk consists of or includes any authorized emergency vehicle owned by the United States, the State of California or any political subdivision or municipality thereof, or the applicant is a person qualifying as a self-insurer under Section 420.7 of the Vehicle Code.

2431.7a. An applicant is not in good faith entitled to insurance if the applicant or anyone who normally or usually drives the automobile is under 18 years of age on the date of application or renewal and no finding has been made by the Committee upon the recommendation of the Manager that serious and unavoidable hardship will result from inability to obtain insurance.

2431.8. An applicant is not in good faith entitled to insurance if, upon the basis of investigation by the insurer to which the risk is assigned, it is determined to the satisfaction of the Committee that the accident record, conviction record (criminal and traffic), age, and physical, mental, or other condition of the applicant or anyone who normally or usually drives the automobile, considered as a whole, are such that his operation of an automobile would endanger public safety.

2431.8a. An applicant is not in good faith entitled to insurance if, upon the basis of investigation of the experience, physical or other condition of the risk by the insurer to which it is assigned, the Committee believes that reasonable doubt exists as to whether the applicant or anyone who normally or usually drives the automobile should continue to be licensed to operate a motor vehicle in this State and requests the Director of Motor Vehicles to re-certify the ability of such applicant or person to continue to hold an operator's license, but the Director has not so re-certified.

2431.9. (a) Unless one year has elapsed from the date of the rejection or cancellation, or the cause of rejection or cancellation has ceased to be valid by reason of passage of time, an applicant is not in good faith entitled to insurance, if the risk, after assignment under the Plan, has been rejected by the designated insurer for cause and the rejection has been sustained, or the policy, after insurance pursuant to assignment, has been cancelled in accordance with Sections 2470 or 2471.

(b) This section shall not limit the scope and effect of any other section of this Plan.

2432. Deafness, partial or total, and deafness and dumbness, do not constitute major physical disabilities if all conditions endorsed upon the operator's license of an applicant or other person so disabled requiring special equipment (such as convex or full-view or outside mirrors) are

complied with and such applicant cites the special equipment in use and information respecting any restriction on operator's license when submitting application for coverage. Each such risk shall be subject to individual consideration on its merits by the Committee, however, and shall not be in good faith entitled to insurance if the committee is satisfied that the condition of the applicant or other operator is such that his operation of an automobile would endanger public safety.

2433. The loss or loss of use of part or all of an arm or leg does not constitute a major physical disability if the member is replaced by an artificial limb, or special equipment is placed on the automobile and the applicant or other operator passes a special operator's license test of the State. Applicants on such risks shall cite any special equipment in use and information respecting any restriction on operator's license when submitting application for assignment.

2434. The loss of the sight of one eye does not constitute a major physical disability.

2435. Applicants or other operators subject to cardiac or similar conditions which might result in loss of consciousness or control are subject to investigation on the merits by the Committee and may be required to submit certificates, satisfactory to the Committee, from at least two qualified medical doctors before assignment to a designated carrier or acceptance of such risks.

2436. Epilepsy shall be considered a major mental or physical disability.

2437. The loss or loss of use of all or part of two legs, two arms, or one arm and one leg shall be considered a major physical disability. However, such risks shall be given individual consideration by the Committee and may be assigned if the Committee is satisfied that the condition of the applicant or other operator is such that his operation of an automobile would not endanger public safety.

2438. If an applicant is ineligible solely by reason of the operation of the automobile by a person or persons other than himself, he may become eligible by agreeing to accept a policy excluding all coverage while the automobile is being operated by such other person or persons. The designated insurer may attach to its policy an endorsement to accomplish this purpose.

APPLICATIONS

2440. Any applicant for automobile bodily injury and property damage liability insurance who is in good faith entitled to such insurance but is unable to procure it through ordinary methods, may apply for assignment to an insurer under this plan.

2441. The application for assignment under this Plan must be signed in every case by the applicant, but may be submitted by the applicant or a licensed producer of record designated by him to act on his behalf.

2442. The application shall be filed in duplicate with the Manager on a form prescribed by the Committee and shall include:

(a) A statement by the applicant to the effect that he has attempted but has been unable to secure automobile bodily injury and property damage liability insurance in this State.

(b) Complete underwriting and character information, and complete financial information where the coverage sought is to be written on a basis requiring final adjustment of the premium subsequent to the expiration of the policy.

(c) A statement by the applicant in cases where the insurance is to be written on a basis requiring final adjustment of the premium after expiration of the policy that he will maintain a complete record of his financial transactions in such reasonable form and manner as the insurer may require and that such record will be available for inspection by the insurer at a designated place and at all reasonable times.

(d) An agreement by the applicant to comply with all reasonable recommendations of the insuring insurer made with the view to reducing the hazards of the risk.

(e) An agreement by the applicant to remit to the designated insurer within 15 days of notification a certified check, money order, or bank draft payable to the insurer for the balance of the full premium for his policy.

(f) Certification of the application by affidavit of the applicant sworn to before a Notary Public or other person authorized to administer oaths.

2443. When filed the application must be accompanied by a certified check, money order or bank draft in the amount of five dollars and payable to the Plan, as an investigation fee. Such fee is not returnable but shall be credited against the premium if the risk is assigned and accepted and the applicant pays the balance of the premium in accordance with the Plan.

2444. Upon receipt of an application properly completed and executed and determination that the risk is eligible for assignment, the Manager shall designate an insurer and assign the risk to such insurer and so advise the producer of record.

2444.5. Upon assignment of a risk to an insurer, the Manager shall forward to such insurer the original application together with the prescribed investigation fee.

BASIS AND METHOD OF ASSIGNMENT

2445. The Manager shall, with due regard to exclusions under reinsurance agreements, treaties or contracts filed with him in writing, and with due regard to the facilities of the designated insurers for servicing the risk, assign the risks which are eligible for assignment in such sequence and number that, as far as practicable, each insurer shall in the long run be given that number of assignments which bears to the total number of assignments the same ratio as the insurer's net direct automobile bodily injury premium writings in California bear to the total

net direct automobile bodily injury premium writings in California of all insurers.

2445.1. Insofar as possible, assignments shall be consistent with the scope of territorial operations and underwriting policies of each insurer, of which the Manager shall have been notified in writing. Underwriting policy is policy founded on underwriting judgment of the hazards involved. Without in any way limiting or enlarging the meaning of the term "underwriting policy," policy excluding from insurance an applicant solely by reason of the fact of his non-membership in an organization is not underwriting policy. Underwriting policy excluding from insurance applicants solely by reason of facts or circumstances not sufficient to render them not in good faith entitled, under this Plan, to insurance is inconsistent with the purposes of this Plan and of the statute under which it is approved and issued.

2445.1a. In the assignment of a risk when the applicant is a member of a Motor Club licensed under the provisions of Part 5, Division 2 of the Insurance Code, preference shall be given to an insurer which confines its underwriting of risks not subject to the Plan to members of such Motor Club, and if such insurer accepts such assignment it shall receive credit under the Plan against its normal quota of assignments. No such insurer may refuse to accept an assignment because the applicant is not a member of such Motor Club. It is the purpose of this section to effectuate the purposes of this Plan and the statute under which it is approved and issued where the giving effect to policy other than underwriting policy within the meaning of Section 2445.1 would otherwise defeat such purposes.

2446. Where a risk of an applicant consists of or includes two or more separate vehicles or units, each such vehicle or unit shall be counted as an assignment. Where it is not practical to assign each such vehicle or unit to a different insurer, the entire risk may be assigned to the same insurer but such insurer shall be credited with that number of assignments equal to the number of vehicles or units comprising the risk.

2447. Each renewal of an assigned risk as such pursuant to Sections 2482, 2482.5 and 2483.2 shall be counted as an assignment.

2448. For the purpose of assignment of risks to insurers, the Manager shall, from the effective date of the Plan to July 1, 1948, use the relation of the net direct automobile bodily injury premium writings in California of each insurer for the complete calendar year ending December 31, 1946, to the total of such writings of all insurers for that year, and thereafter, during each year which commences on July 1st, shall use such writings of each such insurer for the complete calendar year which ended on the preceding December 31st in relation to the total of all of such writings for such year. In the event that such writings of a given insurer are not available for the complete calendar year above prescribed by reason of the admission of such insurer during such calendar year or otherwise, its writings shall be adjusted to an annual basis, using the period it actually wrote such business and its writings during such period in making the adjustment.

When an insurer is first admitted or first engages in such business, in order to arrive at a basis for assignments, it shall be presumed that its writings equal the net direct automobile bodily injury writings in California in such prescribed year of the insurer actually writing such business, who, during such year, had the least amount of such writings.

In the event of a merger or consolidation, the total writings of all of the parties to such merger or consolidation shall be used in making the calculations required by this section.

In making the calculations required by this section, the Manager may make corrections made necessary by the admission of new insurers into the automobile bodily injury field, on a fair and equitable basis, but such corrections need not be made with absolute mathematical certainty.

2449. No assignments shall be made under the Plan to an insurer which

(a) Does not transact both automobile bodily injury liability insurance and automobile property damage liability insurance; or

(b) Has withdrawn from this State pursuant to and in compliance with Article 15, Chapter 1, Part 2, Division 1 of the Insurance Code; or

(c) Has discontinued and not resumed the execution of new or renewal contracts of automobile bodily injury and property damage liability insurance and has notified the Commissioner of such discontinuance.

2449.1. Any insurer which after notification to the Commissioner pursuant to Section 2449 resumes the execution of new or renewal contracts of automobile bodily injury and property damage liability insurance shall immediately notify the Commissioner of such resumption.

2449.1a. The Commissioner shall promptly inform the Manager of any notifications received by him pursuant to Sections 2449 and 2449.1.

ACCEPTANCES AND REJECTIONS

2450. Within twenty days after receipt of notice of designation from the Manager, the designated insurer shall either:

(a) Accept the assignment and notify the applicant that if the balance of the full premium as stated in such notice is received within 15 days or within such further reasonable period as the insurer may agree to, it will issue a policy of automobile bodily injury and property damage liability insurance to become effective 12:01 a.m. of the day following the day on which such premium as stated in such notice is actually received by the insurer; or

(b) Notify the Manager and the applicant, or his producer of record, that it believes that the applicant is not in good faith entitled, under the Plan, to insurance in which event the reasons underlying such belief shall be furnished the Manager.

2450.1. If notification is filed with the Manager pursuant to paragraph (b) of Section 2450, he shall, within five days after receipt of such notification, review the application and all the facts and circumstances surrounding the risk and make a finding whether or not the applicant is

in good faith entitled, under the Plan, to insurance, which finding he shall communicate to the designated insurer and the applicant or his producer of record.

2450.3. Within five days after the receipt of a communication from the Manager pursuant to Section 2450.1 that he finds that the applicant is in good faith entitled, under the Plan, to insurance, the designated insurer shall accept the assignment and notify the applicant in accordance with paragraph (a) of Section 2450.

2450.5. Each notification in accordance with paragraph (a) of Section 2450 shall include a statement of the total amounts which the applicant is required to pay for the coverage and a copy of each such notification shall be sent by the designated insurer to the Manager and to the producer of record.

2451. Upon receipt of the balance of the full premium within the time specified in its notification in accordance with paragraph (a) of Section 2450, the designated insurer shall issue a policy of automobile liability insurance pursuant to said notification, and shall file with the proper public agencies such required certificates or forms as are applicable to the risk.

2452. When premium payment has been received and the designated insurer has actually issued a policy, such insurer shall immediately notify the Manager that it has actually issued a policy, and shall furnish the Manager with the policy number, effective date of such policy, and the amount of premium collected.

2453. If, at the end of such fifteen day period or further reasonable period specified by the insurer in its notification pursuant to paragraph (a) of Section 2450, the premium has not been paid and the coverage therefor not accepted by the applicant, the designated insurer shall so notify the Manager.

RATES AND PREMIUMS

2460. Each risk assigned under this Plan shall be subject to the rules, rates, minimum premiums, rating plans and classifications which the insurer to which such assignment is made normally applies in this State to risks not subject to the Plan, but such insurer may make a uniform additional charge of 10% for long haul trucking risks and of 15% for all other risks.

2461. If the experience, physical or other condition of any risk assigned under the Plan is such as makes the hazard of the risk greater than that contemplated by the rates or minimum premiums applicable under Section 2460, the insurer to which the assignment is made may charge such rates and minimum premiums as are commensurate with the greater hazard of the risk, subject to the approval of the Committee. Any special increase in rate or minimum premium in accordance with this Section shall be deemed to include the additional charge of 10% for long haul trucking risks and of 15% for all other risks permitted by Section 2460.

COMMISSIONS

2462. Unless other special arrangements have been filed with and approved by the Committee, the designated insurer to which an assignment has been made shall pay the producer of record as a commission for his services in accordance with the following limits:

(a) On assignments of long haul trucking risks, 5% of the total premium charged and collected from the applicant.

(b) On all other assignments, 10% of the total premium charged and collected from the applicant.

2463. In addition to the commission to the producer of record, and unless other special arrangements have been filed with and approved by the Committee, such designated insurer may pay to its licensed agent $2\frac{1}{2}\%$ of the total premium charged and collected from the applicant as an allowance for field supervision to be actually performed by such agent.

CANCELLATIONS

2470. If after the issuance of a policy it develops that the applicant is not or ceases to be in good faith entitled, under the Plan, to insurance or has failed to comply with reasonable safety recommendations in accordance with his application agreement, or has violated any of the terms or conditions upon the basis of which the insurance was issued, or if the insurance was obtained through fraud or misrepresentation, the insuring insurer shall have the right to cancel the policy in accordance with its terms and conditions, provided that the prior written approval of the Manager to such cancellation has been obtained. In all such cases the insurer shall have filed with the Manager, in writing, prior to the effective date of cancellation, a statement of the reasons underlying such cancellation.

2471. If default occurs in the payment of premium upon any policy written on a basis requiring final adjustment of the premium after expiration, such policy automatically shall be subject to cancellation in accordance with its terms and conditions.

2472. A copy of each cancellation notice pursuant to the policy terms and conditions shall be sent by the insurer to the Manager and the producer of record.

EXPIRATIONS AND RENEWALS

2480. An insured under an assigned risk who is dissatisfied with the designated insurer and a designated insurer which is dissatisfied with an assigned risk insured by it, may file with the Committee, not less than 30 days prior to the expiration of the policy, written request for assignment of such risk upon expiration to another insurer. Assignment to another insurer shall be at the option of the Committee.

2481. If any insurer other than the one designated under the Plan wishes to insure an assigned risk voluntarily at the rates and classifications normally applicable to risks not subject to the Plan, such insurer may take over the coverage at expiration, or, under the same conditions,

may take over the coverage at any time with the consent of the designated insurer.

2482. Every insurer insuring a risk which has been insured for a period not exceeding 24 months by assignment under the Plan shall, upon expiration of the current policy:

(a) Issue a renewal policy voluntarily and not as an assignment under the Plan at the rates and classifications normally applicable to risks not subject to the Plan, or

(b) Issue a renewal policy as an assignment under the Plan, or

(c) Refuse to issue a renewal policy as an assignment under the Plan on the basis that the insured is not in good faith entitled, under the Plan, to insurance but for no other reason.

2482.1. At least forty-five days prior to the date of such expiration, every such insurer shall notify the Manager and the insured or the producer of record, of its intended procedure under Section 2482. If such notice discloses an intent to refuse to issue a renewal policy as an assignment under the Plan on the basis that the insured is not in good faith entitled to insurance, the insurer shall therewith furnish the Manager with a statement on the full facts underlying such basis for its intention to so refuse to renew.

2482.3. Within five days after receipt of a notification of intention to refuse to issue such a renewal policy, the Manager shall review all of the facts and circumstances surrounding the risk and make a finding whether or not the applicant is in good faith entitled, under the Plan, to insurance and shall communicate such finding to the insurer and the insured or the producer of record.

2482.5. If the Manager finds that the insured is in good faith entitled, under the Plan, to insurance and so notifies the insurer pursuant to Section 2482.3, upon expiration of the current policy the insurer shall issue a renewal policy as an assignment under the Plan.

2483. The record for the current and two preceding policy years of every risk which is in its third year as an assigned risk under the Plan, except those risks which involve continuing physical impairment, shall be reviewed by the insuring insurer 45 days prior to the expiration of the current policy.

2483.1. Upon expiration of the current policy, every such risk described in Section 2483 shall be considered normal business unless during the period reviewed:

(a) The insured or anyone who normally and usually drives the automobile has been convicted of any one of the offenses described in Sections 2431 and 2431.1.

(b) The insured or anyone who normally and usually drives the automobile has been convicted of a felony.

(c) Any automobile owned by the named insured or any replacement or substitution thereof or any other automobile the operation of which is covered by the policy has been involved in

(1) one accident resulting in bodily injury to any person other than the operator or one accident resulting in both bodily injury and property damage, or

(2) two or more accidents resulting in property damage.

2483.1a. For the purpose of Section 2483.1, an accident shall mean an occurrence in consequence of which

(a) an amount exceeding $200 has been paid as a loss by or on behalf of the insured or by the insurer insuring such automobile; or

(b) an amount exceeding $200 is necessarily held as a reserve by an insurer for any pending claim for bodily injury or property damage, or both; or

(c) Civil suit for damages exceeding $200 is pending in court against the owner of such automobile.

2483.2. Each assigned risk which qualifies as normal business in accordance with Section 2483.1 shall not be eligible for further assignment under the Plan unless the producer of record is unable to place the risk with an insurer on a voluntary basis and the applicant continues to be in good faith entitled, under the Plan, to insurance. In the latter event, a renewal policy shall be issued by the insuring insurer for one year at the rates and classifications normally applicable to risks not subject to the Plan and the insurer, if it notifies the Manager, shall be credited with an assignment under the Plan. Thereafter, if such risk cannot be placed with an insurer on a voluntary basis and continues to be in good faith entitled, under the Plan, to insurance, it shall be reassigned by the Manager as if it were a new risk, in accordance with the procedure for assignment of risks of new applicants.

2484. After 36 months of coverage as an assigned risk under the Plan, each risk which by its record in respect to the matters set forth in Section 2483.1 has demonstrated that it is not a normal risk, and each risk which involves a continuing physical impairment shall be reassigned by the Manager as if it were a new risk, in accordance with the procedure for assignment of risks of new applicants.

2485. Risks reassigned by the Manager pursuant to Sections 2483.2 and 2484 shall be considered as new risks from the date of such reassignment in the application of the provisions of the Plan.

FINANCES AND ASSESSMENTS

2490. The reasonable costs of administering the Plan for each fiscal year shall be determined annually by the Committee and shall be apportioned and assessed to the insurers in such proportion as their net direct automobile bodily injury premium writings in the State bear to the total net direct automobile bodily injury premium writings of all insurers in the State during the preceding calendar year. Each insurer shall in any event pay a minimum annual fee of $5.00.

2491. Each insurer shall promptly pay every assessment levied upon it by the Committee pursuant to the provisions of this Plan.

RECORDS, STATISTICS AND REPORTS

2492. The Manager shall keep complete and adequate records and statistics of the applications filed, assignments made, policies issued, rejections sustained and cancellations under the Plan and of the experience of the insurers under such policies on the basis of premiums earned and losses incurred showing separately the experience of risks rated under Section 2460 and risks rated under Section 2461.

2492.1. The Manager shall prepare a report, by insurers, of the assignments made, policies issued, rejections sustained, and cancellations under the Plan for the period ending June 30, 1948, and for each six months' period thereafter. Each such report shall be made to the Committee and a copy thereof shall be sent by the Manager to the Commissioner and to all insurers within 60 days after the close of the period covered thereby.

2492.3. The Manager shall prepare a report, by insurers, of the premiums earned and losses incurred under policies issued pursuant to assignment under the Plan, showing separately the experience of risks rated under Section 2460 and the experience of risks rated under Section 2461, for the period ending December 31, 1948, and for each 12 months' period thereafter. Each such report shall be made to the Committee and a copy thereof shall be sent to the Commissioner and to all insurers within 120 days after the close of the period covered thereby.

2492.5. The Manager shall keep such other records and statistics and make such other reports as the Committee may require.

2493. Every insurer shall keep records and statistics of its experience under all policies issued by it pursuant to assignment under this Plan in such a manner as to enable it to report such experience in the form required by the Committee, and shall make such reports of such experience as the Committee may require.

2494. The Committee shall keep a record of all funds received, disbursed and held by it and shall prepare and submit to the Commissioner and to all insurers a true and correct statement of all receipts and disbursements for the period ending June 30, 1948, and for each six-months' period thereafter. Each such statement shall be so submitted by the Committee within 60 days of the close of the period covered thereby.

2494.5. The Committee shall keep such other records and statistics and shall make such other reports as the Commissioners may require.

APPEALS

2495. Any applicant, insured or insurer under the Plan who is affected by any act, ruling, decision or order of an insurer, the Manager or the Committee, and believes such act, ruling, decision or order to be in conflict with or not authorized by the provisions of the Plan or by the law, may appeal in writing in the first instance to the Committee, setting forth

his grounds for such belief. If any member of the Committee is an officer, employee or other representative of an insurer which is a party to the matter, the other members of the Committee shall designate another person representative of the same group or class of insurer represented by such Committee member to replace him for the purpose of hearing the appeal. The Committee shall review all evidence and consider all statements, arguments, and contentions at a hearing upon not less than five day's notice to the parties to the matter, and within five days thereafter shall notify such parties of its decision which shall be binding upon all parties, subject to appeal to the Commissioner.

If any party to a matter which has been so appealed to the Committee is dissatisfied with the decision of the Committee upon such appeal, he may appeal to the Commissioner who shall hear the parties, review the matter and render a decision which shall be binding upon all parties.

EXAMINATIONS

2496. Whenever he deems it necessary the Commissioner may examine the business, affairs and operations of the Plan. The costs and expenses of such examinations by the Commissioner shall be paid as prescribed in Section 736 of the Insurance Code and shall be a proper charge against the funds of the Plan as an expense and cost of administering the Plan.

FORMS AND SUPPLIES

2497. Printed copies of the Plan and the application form shall be available at cost upon requisition to the Manager. Every insurer shall order its required supply and furnish its branch offices and policy writing agencies with an adequate stock of the forms. Application forms shall be available to any applicant or producer of record upon request so as to minimize delay in granting of coverage through assignment under the Plan to qualified applicants.

SUBSCRIPTION

2498. Every insurer admitted to transact liability insurance shall subscribe to this Plan. Such subscription shall be filed with the Commissioner not later than the effective date of this Plan or upon application for admission to transact liability insurance and shall be in the following form:

WHEREAS, The Insurance Commissioner of the State of California, after public hearing upon published notice, has approved and issued, pursuant to Article 4, Chapter 1, Part 3, Division 2 of the California Insurance Code, a plan for the equitable apportionment, among insurers admitted to transact liability insurance in the State of California, of those applicants for automobile bodily injury and property damage liability insurance who are in good faith entitled to but are unable to procure such insurance through ordinary methods, which plan has been designated as the "California Automobile Assigned Risk Plan" and is by reference incorporated herein and made a part hereof, and

WHEREAS, The undersigned is an insurer which either is presently admitted to transact liability insurance in the State of California or has applied for Certificate of Authority or renewal Certificate of Authority to transact liability insurance in the State of California and is required by the provisions of Section 11620 of said Code to subscribe to and participate in such Plan.

THEREFORE, pursuant to the provisions of said Section 11620 of the California Insurance Code, and in consideration of its admission to transact liability insurance in the State of California, the undersigned insurer hereby subscribes to said California Automobile Assigned Risk Plan and agrees to participate therein in accordance with the terms thereof.

This subscription and agreement shall be deemed to have been executed in the State of California and the interpretation and enforcement thereof shall be governed by the laws of that State.

IN WITNESS WHEREOF, _____
(Name of Insurer)
has to these presents affixed its seal and caused its name to be subscribed and attested by its_____and_____
(Title of Officer) (Title of Officer)
on the_____day of_____, 194___.

(Name of Insurer)
By _____
(Name of Officer)

(SEAL)

ATTEST:

(Name of Officer)

(Title of Officer)

of the value of only such of the assets of the issuing corporation as would, if owned by the reporting insurer, constitute admitted assets. For the purposes of this limitation, the term "subsidiary corporation" shall mean a corporation, other than an insurer authorized to do business in California, more than 50% of the outstanding capital stock of which is owned or controlled, directly or indirectly, by the reporting insurer or by any corporation affiliated with the reporting corporation, or by the reporting insurer's parent corporation, or by any or all of these.*†

2286. Stocks held by insurers acquired on or before December 1, 1945, shall be valued at the values assigned to them as of December 31, 1945 in the applicable issue of "N. A. I. C. Valuation of Securities" and, if not listed therein, at their market values as of December 1, 1945.*†

2287. Stocks held by insurers acquired after December 1, 1945, shall be valued not in excess of actual cost nor in excess of their current market value at the time of acquisition.*†

MORTGAGES

2288. Notes secured by mortgage or deed of trust on real property which were acquired by purchase or by exchange at a price less than the unpaid balance and which are NOT in arrears of either principal or interest, and on the property securing which NO taxes, assessments or other charges constituting liens are in arrears or have been advanced by the reporting insurer or an affiliate thereof, shall be valued at their amortized values, i. e., on the basis of the purchase price adjusted so as to bring the value to the amount due at maturity and so as to yield the effective rate of interest to which the purchase price corresponds; but such amortized values shall in no case be in excess of the amount permitted by law to be loaned on, or invested in, such notes.*†

2289. Notes secured by mortgage or deed of trust on real property which were acquired by purchase or by exchange at a price in excess of the unpaid balance and which are NOT in arrears of either principal or interest and on the property securing which no taxes, assessments or other charges constituting liens are in arrears or have been advanced by the reporting insurer or an affiliate thereof, shall be valued at amounts equal to the unpaid principal of such notes but not in excess of the amount permitted by law to be loaned on or invested in such notes provided, however, that the premium paid on a real estate mortgage insured under the National Housing Act shall be amortized on a 5-year basis from the date of acquisition by the insurer while the premium paid on all other real estate mortgage loans shall be amortized over a period of 3 years from the date of acquisition by the insurer.*†

2290. All other notes secured by mortgage or deed of trust on real property, and which are NOT in arrears of either principal or interest, and on the property securing which NO taxes, assessments or other charges constituting liens are in arrears or have been advanced by the reporting insurer or an affiliate thereof, shall be valued at amounts equal to the unpaid principal of such notes, but not in excess of the amount permitted by law to be loaned on, or invested in, such notes.*†

*† For statutory and source citations, see note to §2050.

2291. All other notes secured by mortgage or deed of trust on real property, and which ARE in arrears of either principal or interest or on the property securing which any taxes, assessments or other charges constituting liens ARE in arrears or HAVE BEEN advanced by the reporting insurer or an affiliate thereof, shall be valued at amounts not in excess of the LOWEST of the following:

(a) 90% of the reasonable value on December 31, 1945 of the property securing such several notes.

(b) The unpaid principal of such several notes without addition of interest in arrears or accrued and without addition of advances made.

(c) The amount permitted by law to be loaned on, or invested in, such several notes.

Advances made on such notes must not be listed elsewhere as assets unless also deducted as "Assets Not Admitted." Interest on such notes which are in arrears shall not, unless also deducted under "Assets Not Admitted," be listed elsewhere as an asset in excess of the amount permitted by the valuation requirements of the Insurance Department of the reporting insurer's state of domicile, nor in excess of interest in arrears one year.*†

COLLATERAL LOANS

2292. Notes secured by collateral other than real property, shall be valued at amounts determined for each such note and each security pledged therefor, not exceeding 85% of the value of such security pledged, determined in accordance with the rules herein, applicable to securities or property owned, nor exceeding in the aggregate in the case of any such secured note, the amount of unpaid principal thereof; but no value shall be claimed or will be allowed for shares of stock of the reporting insurer's own issue pledged as such security.*†

REAL ESTATE

2293. Real property requisite for the accommodation of the reporting insurer in the convenient transaction of its business, and having yielded in 1945 a net income at a rate, computed on the book value at which each such real property is carried by the reporting insurer, equal to or in excess of 3% but in no event less than the minimum rate required to be earned to maintain its ratable share of the reserves to be maintained on outstanding policies, annuity contracts and other reserves and obligations of the reporting insurer requiring interest accretions, shall be valued at its book value; provided that if the foregoing conditions are satisfied in respect to the acquisition cost of any such real property, such acquisition cost may be used for such of the real property qualifying for valuation under this paragraph, as satisfied said conditions. In determining such net income, any rental charged or estimated by the owner for its own occupancy of all or part of such real property shall be limited to a reasonable amount, having due regard to what a willing tenant, other than the owner, would pay in a free market.*†

2294. All other real property *not* under contract of sale shall be valued as follows:

*† For statutory and source citations, see note to §2050.

(a) If acquired more than five years prior to December 31, 1945, at an amount not in excess of the *lower* of the following:

(1) The reasonable value thereof on December 31, 1945.

(2) The amount of unpaid principal, at the time of last acquisition of the property, of the note secured thereby, exclusive of interest, taxes or other charges which may have been part of such unpaid principal by virtue of the terms of the contract so secured; this amount may be increased, subject to the above limitations, by capital expenditures made on such properties since acquisition by which their value is actually enhanced, as distinguished from expenditures made solely for the purpose of restoring lost values.

(b) If acquired less than five years preceding December 31, 1945, at an amount not in excess of the *lower* of the following:

(1) The reasonable value thereof on December 31, 1945.

(2) The amount of unpaid principal, at the time of last acquisition of the property, of the note secured thereby including interest actually due thereon at the time of acquisition but not in excess of one year and including not more than one year's taxes thereon actually paid by the insurer prior to acquisition; this amount may be increased, subject to the above limitations, by capital expenditures made on such properties since acquisition by which their value is enhanced, as distinguished from expenditures solely for the purpose of restoring lost values.*†

2295. Real property under contract of sale shall be valued at an amount not in excess of the *lowest* of the following:

(a) The reasonable value thereof on December 31, 1945.

(b) The cost of acquisition, increased by so much of the book profit, if any, involved in the sale price, as will bear to the total book profit the same proportion that payments received on account of the sale price bear to the total sale price.

(c) The unpaid principal of such several contracts of sale without addition of interest in arrears or accrued and without addition of advances made. Advances made on such contracts must not be listed elsewhere as assets unless deducted as "Assets Not Admitted." Interest on such contracts which is in arrears shall not, unless also deducted under "Assets Not Admitted," be listed elsewhere as an asset.*†

Article 3. Annual Statements

PREMIUMS IN COURSE OF COLLECTION

2300. For purposes of the Annual Statement required of insurers to be filed with the Insurance Commissioner of the State of California on or before March 1, 1946, the following Premiums in Course of Collection may be treated as "Admitted Assets":

(a) Premiums in course of collection, other than life insurance and annuity premiums, and not more than ninety days past due on December 31, 1945.

*† For statutory and source citations, see note to §2050.

(b) Premiums in course of collection, other than life insurance and annuity premiums, for which the Government of the United States or any of its instrumentalities is *directly* liable to the *insurer,* whether or not more than ninety days past due on December 31, 1945.

All other Premiums in Course of Collection on December 31, 1945, shall be reported and will be treated as "Assets Not Admitted." *†

NOTE.—§§2300 to 2301, inclusive, issued under authority contained in Sections 923 and 12921, Insurance Code.

2301. Schedule F, Life Statement. All insurers authorized to transact life insurance or life and disability insurance in the State of California are hereby required hereafter to list in Schedule F, irrespective of the presence or absence of litigation, all claims in fact resisted or compromised during the year covered by the Annual Statement of which such Schedule F is a part, and all claims remaining resisted at the end of such year.*†

Article 4. Experience and Reserves

WORKMEN'S COMPENSATION

2310. Loss reserves against the hazards of pneumonoconiosis (including silicosis and asbestosis) shall be maintained by each workmen's compensation insurer separately upon the surcharge premiums approved and required by the Commissioner, pursuant to law, in the manner provided under Section 11561 of the Insurance Code for all premiums. In addition to such reserves, each such insurer shall maintain for a period of seven additional years following the statutory three-year period a reserve upon surcharge premiums only, computed upon the same basis as prescribed by Section 11561 except that there may be deducted from the statutory percentage of earned surcharge premiums in addition to the loss and loss expense payments the excess of the present value separately required to be set up on any case of Section 11560 over the loss payments made thereon.

NOTE.—§§2310 to 2317, inclusive, issued under authority contained in Sections 902, 11557 and 11740, Insurance Code.

2311. All workmen's compensation insurers shall file with the Department of Insurance, State of California, on or before May 1, 1941, and annually thereafter, a special California Schedule W in substantially the same form as the Pennsylvania Special Schedule W, exhibiting premiums, losses and expenses for the calendar year ending on December 31 next preceding on account of workmen's compensation insurance transacted. (Ins. Code 902).*†

DEFENSE PROJECTS

2312. Schedule P of the 1941 and 1942 annual statements, and for subsequent years, until further notice, shall be filed in two sections, one section devoted exclusively to liability and workmen's compensation insurance coverages on cost-plus-fixed-fee defense contracts rated under the War Department Comprehensive Rating Plan or the California Defense Rating Plan, or any similar plan, and the other section devoted exclusively to the general liability and workmen's compensation insurance of your company not rated under any of these plans.*†

* For statutory citations, see note to §2310.
† For source citations, see note to §2050.

First—In the case of values so assigned as of December 1, 1944, 2.90% plus the yield, as of said date, of fully taxable United States Treasury obligations of comparable maturities.

Second—In the case of values so assigned as of December 1, 1945, 2.10% plus the yield, as of said date, of fully taxable United States Treasury obligations of comparable maturities.

(d) All corporate bonds other than income and perpetual bonds, and all special revenue bonds of any State of the United States of America or any political subdivision thereof or of any agency or instrumentality of any of the foregoing, not outstanding prior to December 1, 1944, not in default as to principal or interest on December 1, 1945 and certified by the insurer filing the statement to be amply secured, the values of which, assigned to them as of December 1, 1945 in N. A. I. C. Valuation of Securities correspond to an annual yield to maturity not exceeding the sum of 2.10% and the yield, as of December 1, 1945, of fully taxable United States Treasury obligations of comparable maturities.

(e) All corporate bonds other than income and perpetual bonds, and all special revenue bonds of any State of the United States of America or any political subdivision thereof or of any agency or instrumentality of any of the foregoing, not in default as to principal or interest on December 1, 1945, which do not conform to the specifications of any of the preceding subdivisions of this paragraph 1, but in respect to which both of the following conditions have been complied with:

(1) Evidence has been made available on or before September 1, 1945 to the Sub-Committee of the Committee (of the National Association of Insurance Commissioners) on Valuation of Securities, that they are equivalent in security to the bonds classified in one of the preceding subdivisions of this paragraph I.

(2) Said sub-committee has accepted such evidence as satisfactory and has approved such bonds as qualified for valuation at their amortized values.

(f) All bonds of foreign governments, political subdivisions and municipalities thereof (other than perpetual bonds), which do not conform to the specifications of any of the preceding subdivisions of this paragraph I, but which are amply secured on the basis of the standards set forth for that purpose in the resolution of said National Association adopted June 11, 1945.*†

NOTE.—§§2281 to 2284, inclusive, issued under authority contained in Sections 1252 and 12921, inclusive, Insurance Code.

2282. As an alternative to being valued at their amortized value, the following United States Savings Bonds may, at the option of the reporting insurer, be valued as follows:

(a) United States Bonds Series A, B, C, D, and F, at their redemption value as of December 31, 1945, or at cost. If valued at such redemption value, no interest shall be claimed or allowed as an accrued asset; if valued at cost, the excess of the redemption value as of December 31, 1945, over such cost, may be claimed as interest accrued and shown as an asset.

† For source citations, see note to §2050.

(b) United States Savings Bonds Series G, at their redemption value as of December 31, 1945 or at their par value; in either case interest due and accrued thereon may be claimed as an asset.*†

2283. All bonds acquired on or before December 1, 1945, but which otherwise do not fully conform to the applicable specifications set forth in paragraph I hereof, shall be valued at the values listed in the applicable issue of "N. A. I. C. Valuation of Securities" and said listed values also shall be deemed to be the market values thereof for the purposes of said annual statement unless such listed value exceeds the amortized value, in which case such bond shall be valued at its amortized value.

Where, in the case of securities payable in foreign currencies, such listings are both by foreign percentage quotation and in United States dollar quotation, the former may be used only by insurers whose liabilities as shown in the annual statement include substantial policy liabilities payable in the currencies involved, and only if, in cases where the securities so valued exceed such policy liabilities, an appropriate amount is deducted as an asset not admitted, sufficient to absorb any excess valuation resulting from the use of a rate of exchange higher than that listed in the applicable issue of "N. A. I. C. Valuation of Securities," unless evidence is made available that such securities can be disposed of and the proceeds in such foreign currency converted into United States dollars and remitted to the United States without loss.*†

2284. Bonds acquired after December 1, 1945 shall be valued not in excess of actual cost nor in excess of their current market values at the time of acquisition.*†

STOCKS

2285. The standards of valuation hereinafter set forth in Section 2286 and 2287 are subject to the following exceptions:

(a) **Insurance Companies' Stocks.** Shares of stock of insurers other than the reporting insurer shall be valued at their aliquot part of the book value (as shown by the last annual statement or the last available report of examination, whichever is more recent, of the issuing corporation) of all shares of the same issue and class. If such shares are shares of common stock, such book value shall be determined by dividing the excess of the issuing corporation's capital and surplus over the value of all its outstanding preferred shares, if any, by the number of shares of its common stock issued and outstanding. Notwithstanding the foregoing, a reporting insurer may, at its option, value its holdings of stock of a subsidiary insurer at an amount not less than acquisition cost if such acquisition cost is less than the value determined as hereinabove provided. "Surplus" as used herein shall not include reserves required by law or pursuant to contract, nor reserves necessary though not expressly required by law or pursuant to contract.

(b) **Stock of Reporting Insurer's Own Issue.** No value shall be claimed or allowed for shares of stock of the reporting insurer's own issue, owned by it.

(c) **Stocks of Subsidiary Corporations Not Insurers.** Stocks of subsidiary corporations other than insurers shall be valued on the basis

* For statutory citations, see note to §2281.
† For source citations, see note to §2050.

SUBCHAPTER 3. INSURERS

Article
1. Admission Requirements
2. Valuation of Property and Securities
3. Annual Statements
4. Experience and Reserves
Article
5. Marine Insurance
6. Taxation
7. Rates and Rating Systems

Article 1. Admission Requirements

2275. The Commissioner will, in considering an applicant insurer for admission to transact business in California, determine each case largely upon its individual merits as to operating record and financial condition, and a reasonable surplus sufficient to meet all ordinary contingencies will be required in every case in addition to the minimum capital requirements specified in the statutes. The applicant must establish that its financial condition is such that the policyholders and creditors with which it will deal will be reasonably safe. Compliance with the minimum capital requirements does not guarantee admission. Each application for admission is determined after a consideration of all of the qualifications of the applicant.*†

2276. The examination permitted by Section 731 of the Insurance Code of the business and affairs of foreign insurers applying for admission in the State of California will be required in the case of all foreign insurers seeking admission, who do not meet all of the following requirements:

(a) Such insurer has transacted insurance business under the same corporate name and management for at least five years immediately preceding the date of its application for admission to the State of California.

(b) Such insurer is, and for at least five years immediately preceding the date of its application for admission to the State of California, has been, authorized to transact an insurance business in not less than five States.

(c) Such insurer, through its duly authorized officers who have full knowledge of the facts, files a verified statement under oath that it has never been denied admittance in any State and that its certificate of authority to transact business in any State has never been revoked or suspended.

(d) Such insurer has been officially examined by the Insurance Commissioner or similar official of its home State as of a date not more than two years preceding the date of its application for admission to California.

(e) Such insurer, in addition to all other papers required to be filed, files with this Department a certified copy of the last report of such examination.

(f) Such insurer has a cash capital of not less than $500,000 and a surplus over all liabilities of not less than $250,000.

The foregoing regulation is not to be construed as waiving the statutory right of the Insurance Commissioner to make or cause to be made such examination in the case of any such foreign insurer who meets all of the foregoing requirements.

*† For statutory and source citations, see note to §2050.

2277. The applicant insurer shall notify the Commissioner of its transmission to the Secretary of State at Sacramento of its Articles of Incorporation and all amendments thereto, Designation of Representative for Process and the Payment of Fees required therefor. The Commissioner will not issue a Certificate of Authority until these requirements have been met.

Article 2. Valuation of Property and Securities

2280. Valuations. The Department of Insurance of the State of California will require that in the annual statement as of December 31, 1945, to be filed as required by the provisions of the Insurance Code, all securities and properties be valued as hereinafter prescribed or permitted:*†

BONDS

2281. The following bonds, if acquired on or before December 1, 1945, shall be valued as of December 31, 1945, at their amortized values, i. e., on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield the effective rate of interest to which the purchase price corresponds; but the purchase price shall in no case be taken in excess of the actual market value at the time of acquisition, whether such acquisition was by cash purchase or by exchange, including exchange incident to reorganizations.

(a) Subject to the alternative method of valuation hereinafter specified as permissible in the case of United States Savings Bonds Series A, B, C, D, F, and G, all bonds issued, assumed or guaranteed by the United States of America or the Dominion of Canada and all bonds secured by the full faith, credit and taxing power of political subdivisions of the United States of America or of political subdivisions of the Dominion of Canada, which are legal for investment by insurance companies.

(b) All corporate bonds other than income and perpetual bonds, and all special revenue bonds of any State of the United States of America or any political subdivision thereof or of any agency or instrumentality of any of the foregoing, not in default as to principal or interest on December 1, 1945, and certified by the insurer filing the statement to be amply secured, which on June 1, 1945, were included in any of the four highest grades of any two recognized rating agencies.

(c) All corporate bonds other than income and perpetual bonds, and all special revenue bonds of any State of the United States of America or any political subdivision thereof or of any agency or instrumentality of any of the foregoing, outstanding prior to December 1, 1944, not in default as to principal or interest on December 1, 1945, and certified by the insurer filing the statement to be amply secured, the values of which, assigned to them respectively as of December 1, 1944, and December 1, 1945, in the applicable issues of that certain book entitled "Valuation of Securities" published under the auspices of the National Association of Insurance Commissioners (hereinafter referred to as "N. A. I. C. Valuation of Securities"), correspond to annual yields to maturity not exceeding any of the following:

*† For statutory and source citations, see note to §2050.

Subchapter 2. Policy Forms

Article
1. Submission and Approval Procedure
2. Group Disability Policies
3. Forms of Standard Provisions for Family Expense and Disability Insurance
4. Blanket Group Policies
5. Facility of Payment Clauses
6. Individual Disability Policy Forms
7. Workmen's Compensation Policy Forms
8. Surety Bonds

Article 1. Submission and Approval Procedure

2205. On and after November 15, 1940, the rules hereinafter set forth shall govern the submission to the Insurance Commissioner for filing with him, or for filing with and approval by him as the case may be, of the following forms; all of which are required to be so submitted under the provisions of the California Insurance Code and departmental construction of such provisions:

(a) Disability (accident and health) policy forms insuring individuals. (Ins. C. 10292)

(b) Statements of rates and classifications covering such individual disability forms. (Ins. C. 10290)

(c) Group disability (accident and health) policy forms and certificate forms to be issued in connection therewith. (Ins. C. 10270.93)

(d) Group life policy forms and certificate forms to be issued in connection therewith. (Ins. C. 10205)

(e) All life policy forms, or supplemental contract forms, containing provisions which:

(1) Provide additional benefits in the case of death by accidental means; or

(2) Operate to safeguard such contracts against lapse, give a special surrender value, or special benefit, or an annuity, in the event that the insured or annuitant becomes totally and permanently disabled. (Ins. C. 10271)

(f) All policy forms of fraternal benefit societies. (A. G. Op. N. S. 1187)

(g) All policy forms of insurers operating under Chapter 9, Part 2, Division 2, Insurance Code of the State of California. (Ins. C. 10860)

(h) Schedules of all premiums, rates and classifications of insurers operating under Chapter 9, Part 2, Division 2, Insurance Code of the State of California. (Ins. C. 10861)

(i) All benefit certificate forms of associations operating under Chapter 8, Part 2, Division 2, Insurance Code. (Ins. C. 10720)

(j) All forms of policies of workmen's compensation insurance. (Ins. C. 11658)

(k) All hospital contract forms issued to subscribers of organizations operating under Chapter 11A, Part 2, Division 2, Insurance Code of the State of California. (Ins. C. 11513)

*† For statutory and source citations, see note to §2050.

(*l*) All classifications of risks of organizations operating under Chapter 11A, Part 2, Division 2, Insurance Code of the State of California, who write more than one class of risks. (Ins. C. 11513)

(m) All rider, endorsement, amendment or other forms which modify or become a part of the forms heretofore specified and which are required by law to be attached to or endorsed upon such forms.*†

2206. Workmen's compensation insurance policy forms may be filed only by submission in triplicate to the California Inspection Rating Bureau for preliminary inspection and transmittal to the Commissioner.*†

2207. Except in the case of workmen's compensation insurance policy forms, the following rules will govern the submission of policy, rider, endorsement, individual group certificates and application forms, rate tables, rate schedules, and rate books to the Commissioner for filing or approval, commencing with such submissions personally delivered to his office or deposited in the mail addressed to his office on November 1, 1940.*†

2208. All submissions of policy, rider, endorsement, individual group certificate, or application forms, and all rate tables, rate schedules or rate books, whether for approval or for filing must be accompanied by a letter of transmittal. Such letter of transmittal must specify the form numbers of the documents transmitted.*†

2209. Insurers desiring any acknowledgment of the receipt of such forms must also include a carbon copy of the letter of transmittal and a self-addressed return envelope. Such carbon copy must bear on its face or back the following form:

> "The receipt of the original, of which the above is a copy, and all forms therein enumerated is hereby acknowledged. This acknowledgment does not constitute an approval of any of said forms nor does it constitute a statement that any thereof have been examined and filed by me.
>
> Insurance Commissioner
>
> By_____"

(*No acknowledgment will be made of receipt of forms except pursuant to this rule,* but such forms will, in due course, be examined and authorized for issue, acknowledged for filing, or returned, as the case may be.)*†

2210. Such letter of transmittal shall contain the following information:

(a) Whether each form transmitted replaces a previously approved or filed form.

(b) Whether any form so transmitted in a preliminary draft, or printer's proof, as contrasted with a final print.

(c) In the case of each rider, and each endorsement form, or certificate, the numbers of the forms, or a statement of the types of policies, to which it is to be attached or on which it is to be endorsed.

*† For statutory and source citations, see note to §2050.

101. Retail Price Advertising of Distilled Spirits. An off-sale general licensee, in quoting or advertising prices for distilled spirits, shall include the distilled spirits tax.

Beer Price Posting

NOTE.—Beer price posting regulations are printed on the back of the beer price posting form furnished by the board. (Filed 1-14-46)

Article 16. Signs and Notices

106. Obnoxious Signs Prohibited. (a) Banners advertising alcoholic beverages which are suspended over sidewalks are prohibited.

(b) No advertising matter of any kind which advertises alcoholic beverages shall be affixed to display or show windows of licensees.

(c) Signs shall not impair the interior view.

(d) No barrels, kegs, cases, bottles or other containers for alcoholic beverages shall be displayed on any sidewalk adjacent to the licensed premises.

(e) In the case of off-sale premises, the area for exterior signs shall be limited to 10 per cent of the total area of the building visable from any one point.*†

107. Retailers Required to Post Warning Notice. Each retail licensee shall post in a conspicuous place on his licensed premises a printed sign of type not less than one-half inch in height to be furnished by the board, in form as follows:

PATRONS ATTENTION

Any person under 21 years of age who consumes alcoholic beverages in any on-sale premises or who purchases alcoholic beverages is guilty of a misdemeanor.

Selling, furnishing or giving away alcoholic beverages to persons under 21 years of age or to obviously intoxicated persons is a misdemeanor.

(BOARD MEMBER'S NAME)

Member_____District
State Board of Equalization

(Filed 12-19-45)

108. Notice of Suspension. Every licensee whose licenses have been suspended by order of the board shall post two notices in conspicuous places, one on the exterior and one on the interior of his premises, for the duration of the suspension.

The notices shall be three feet in length and one and one-half feet in width, and shall be in the following form:

*† For statutory and source citations, see note to §1.

NOTICE OF SUSPENSION

ALCOHOLIC BEVERAGE LICENSES ISSUED
For These Premises Have Been
Suspended by Order of the
STATE BOARD OF EQUALIZATION
For Violation of the
Alcoholic Beverage Control Act

Advertising or posting signs to the effect that the premises have been closed or business suspended for any reason other than by order of the board suspending alcoholic beverage licenses, shall be deemed a violation of this rule.*†

Article 18. Standard Cases for Distilled Spirits

123. Number of Packages Required. No licensee shall sell or deliver in this State any distilled spirits in any original case except standard cases containing the following number of packages or multiples thereof:

One as to full gallon or as to half-gallon packages; six as to fifths of a gallon or fourths of a gallon packages; and 12 as to packages containing less than one-fifth of a gallon.

For the duration of the war, or until such other time as the board shall determine, this rule shall not be deemed to restrict the use of cases of sizes or types which are permitted by the regulations of the United States Treasury Department.†*

Article 19. Certificate of Compliance

128. Certificate of Compliance. No beer importer shall purchase any beer not manufactured within the State of California by a person licensed as a beer manufacturer under the act, or transport or cause the same to be transported into the State of California for resale therein, unless the out-of-state vendor making shipment of such beer into California holds a certificate of compliance. A certificate of compliance shall be granted when such out-of-state vendor shall have made a written agreement with the board to furnish to the board, on or before the twenty-fifth day of each month, a report under oath, on a form prescribed by the board, showing the quantity of beer sold and shipped by such out-of-state vendor to each licensed beer importer in this State during the preceding month, and shall have further agreed with the board that such out-of-state vendor and all general sales corporations or agencies owned and maintained by such out-of-state vendor shall and will faithfully comply with all laws of the State of California pertaining to the sale of alcoholic beverages and all rules and regulations of the Board.

*† For statutory and source citations, see note to §1.

fire or otherwise. The application shall be in writing in triplicate and shall state the name of the licensee whose alcoholic beverages have been damaged, the quantity of the alcoholic beverages damaged and which is to be sold, the location of the alcoholic beverages, and the name of the licensee to whom the sale is to be made.*† (Filed 11-6-45)

Article 15. Prices

99. Fair Trade Contracts Required for Whisky and Domestic Brandy. (a) No manufacturer, manufacturer's agent, wholesaler or rectifier shall sell whiskey or domestic brandy, the containers of which bear labels stating the brand or name of the owner or producer, in this State, except pursuant to a fair trade contract, as provided for by Section 55.5 of the Alcoholic Beverage Control Act.

Every manufacturer, manufacturer's agent, wholesaler and rectifier shall file with the Board a copy of the fair trade contracts under which such licensee shall offer for sale, and sell, whisky or domestic brandy in this State. Amendments to such contracts affecting retail resale prices shall be filed with the board thirty days before such amendments shall become effective.

Fair trade contracts filed shall include (1) the stipulated minimum resale prices to consumers; (2) the stipulated minimum price at which it is required that any purchaser from the vendee shall, in turn, resell the whisky or domestic brandy at retail to consumers; (3) any discounts offered. For the purpose of establishing fair trade prices and discounts, the State may be divided, by the licensee filing the fair trade contracts, into two trading areas, (a) Northern California to consist of all counties lying north of the southern boundaries of San Luis Obispo, Kern and Inyo Counties, and (b) Southern California to consist of the counties lying south of said boundaries. Where the licensee has filed different prices or discounts or both for such trading area, sales or deliveries shall be made to licensees in accordance with the schedule of prices and discounts filed for the area in which the purchaser's licensed premises are located.

In addition to filing such contracts with the Board, every manufacturer, manufacturer's agent, wholesaler and rectifier shall either mail the minimum resale price and discount schedule, and any amendments thereto, to all licensees affected, or shall publish the minimum resale price and discount schedule contained in his fair trade contracts, and any amendments thereto, in a trade journal printed and published in this State and of general circulation among alcoholic beverage licensees in this State.

The filing and publishing of a fair trade contract for a particular brand of whisky or domestic brandy by any licensee producing or importing into this State such brand of whisky or domestic brandy shall excuse all other licensees from filing fair trade contracts as to such particular brand.

No licensee shall advertise or offer to make, or make any "close out" sale under the implied condition provided for by Section 55.5 (b) (1), or any sale under the implied condition provided for by Section 55.5

*† For statutory and source citations, see note to §7.

(b) (2), of the Alcoholic Beverage Control Act except after receiving permission from the Board, which shall determine whether the proposed sale is bona fide.

Permission to sell under Section 55.5 (b) (1) shall be granted only if it appears that the stock of goods sought to be closed out has been in this State for a period of not less than six months, and was not brought into this State for the purpose of offering it, or any part of it, at a close out sale.

Permission to sell under the provisions of Section 55.5 (b) (2) shall be granted only if it shall appear that the facts of the case warrant the sale of the whisky or domestic brandy affected as damaged or deteriorated.

(b) Fair trade contracts covering any alcoholic beverage may be filed with the board by manufacturers, manufacturer's agents, rectifiers or wholesalers. All of the terms and conditions of this rule shall apply to such contracts.

(c) No licensee shall advertise or offer for sale, or sell, alcoholic beverages at retail at a price less than the stipulated minimum resale price provided for by a fair trade contract filed with the board pursuant to this rule.

(d) (1) A "close out" sale under this rule shall be construed to mean a bona fide close out of a particular alcoholic beverage label in the California market. Label changes based on age or formula changes will not be deemed to be "close outs" within the meaning of this rule.

(2) Licensees publishing price and discount schedules shall publish such schedules within thirty days after filing such schedule, or amendment thereto, with the Board.

(3) Petitions for permission to make close out sales, or sales of damaged or deteriorated stock shall state a full and complete description of the alcoholic beverages involved, in such detail as to distinguish such alcoholic beverages from all others, and shall include the Federal serial numbers of the cases involved. The number of cases or bottles involved shall also be stated. The petitioner shall agree not to sell or handle the item closed out for at least six months after the close out.

(4) "Private labels" are labels owned or controlled by retailers. Fair trade contracts covering private labels of whisky or domestic brandy shall be made and filed pursuant to this rule by the bottler or importer of such "private label" items.*† (Filed 2-27-47; effective 3-1-47)

100. Distilled Spirits Price Posting. Each manufacturer, rectifier and wholesaler selling or distributing distilled spirits in this State to retailers shall on March 1, 1947, file, and thereafter maintain on file with the Board, in triplicate, and in such form as the Board may prescribe, a written schedule of selling prices charged and discounts offered by such person for distilled spirits sold, or distributed, by such person to retail licensees within the State of California.

*† For statutory and source citations, see note to §7.

Amendments to such price schedules may be filed by a licensee on or before the fifteenth day of the month prior to which they are to go into effect and shall become effective on the first day of the calendar month following the filing thereof. All schedules when filed must remain in effect for the entire calendar month for which filed. Any licensee can meet competitive prices, or discounts, on similar distilled spirits by amending his effective price schedule to lower his price, or prices, or discounts, to the amount filed in any price schedule filed or in effect for such similar items, and such amended competitive prices shall become effective at the same time the competitive prices, or discounts, or similar items shall become effective, or immediately, if such competitive price schedule shall have become effective.

Every manufacturer, rectifier and wholesaler may publish at least once in a trade publication of general circulation among the licensees, any price schedule or any changes or additions to said schedule, filed with the Board.

No manufacturer, rectifier or wholesaler shall advertise, or offer for sale, or sell, distilled spirits to retailers at a price other than the price provided for by his price schedules, or amendments thereto, filed with the Board.

Distilled spirits included within a single fair trade contract may be assorted for quantity discounts, except that imported distilled spirits upon which duty is paid may not be assorted with domestic distilled spirits. Quantity discounts may be based on sales and deliveries to one purchaser within twenty-four hours only.*† (Filed 3-11-47; effective 3-11-47)

*† For statutory and source citations, see note to §1.

gether with copy of invoice or invoices listed on the report. Page 4 shall be retained by the California taxpayer. The out-of-State purchaser must report the importation to the liquor control authority of his own state and obtain the approval of such authority on page 1 of the report. The approved page 1 must then be returned to the California taxpayer. Page 1, properly approved, must be kept on file at the premises of the California taxpayer as proof of export and for verification by employees of the board.

Claims for tax exemption, where delivery is made to the purchaser in this State, will be allowed only upon completion of the foregoing procedure.

(b) Tax exemption will also be allowed for sales for export in cases in which, pursuant to the contract of sale, delivery is made to a point outside of this State by a common carrier, if the California taxpayer's claim for exemption is supported by a copy of the shipping documents receipted for by the common carrier.

(c) **Fishing Boats and Freighters.** Distilled spirits taxpayers may sell State tax-paid distilled spirits to persons operating commercial fishing boats or private carrier freight vessels for use as ships' stores outside of the State upon the high seas. [Filed 9-17-47; effective 9-17-47]

(d) **Armed Forces.** Tax exemption will be allowed for sales for export in which delivery is made to an armed force of the United Nations at a depot in this State for transport out of the State, if the taxpayer's record of such sales is supported by a copy of the official purchase order and documentary evidence of export.

(e) **Ships' Stores of Requisitioned Ships.** Tax exemption will be allowed for a sale of alcoholic beverages for delivery or use without the State where the alcoholic beverages are delivered by a taxpayer to a vessel which, at the time of such sale, is requisitioned under the Merchant Marine Act of 1936, or is operated by the War Shipping Administration for the account of the United States Government, provided that the taxpayer's record of such sale is supported by a delivery receipt and documentary evidence of the fact that the vessel is requisitioned under the Merchant Marine Act of 1936, or is operated by the War Shipping Administration for the account of the United States Government.

(f) **Invoices.** Invoices covering the sale of alcoholic beverages for export must bear the notation: "Sold for export." [Filed 11-15-45; effective 11-15-45]*†

Article 11. Applications and Licenses

56. Sales Tax Must Be Paid. A license will not be issued, transferred, nor renewed if the person or persons interested are delinquent in their obligations under retail Sales Tax Act or Use Tax Act.*†

57. Fingerprinting of Licensees. Every licensee and the managing officers of every corporate licensee shall have their fingerprints taken by the board, if they have not heretofore been so fingerprinted.

Every person who applies for a license and the managing officers of a corporate applicant shall have their fingerprints taken by the board at the time of filing an application for a license. The husband or wife of

*† For statutory and source citations, see note to §1.

a licensee or of an applicant for a license shall have his or her fingerprints taken by the board, if such spouse works or is to work on or in the licensed premises or is engaged, or is to be engaged to work in any way in the operation of the licensed business.*†

58. Operation of Bona Fide Public Eating Place. An applicant for an on-sale beer and wine license, an on-sale general license, an on-sale distilled spirits license for a seasonal business, and for the transfer of any such licenses from one location to another location, shall own, operate and conduct at the premises for which application is made a bona fide hotel, restaurant, cafe, cafeteria, or other public eating place for not less than 30 days prior to the issuance of the license. The foregoing requirement shall not apply in the case of an applicant for a veterans' club license, an application by a bona fide club after such club has been lawfully operated for not less than one year, or an application for the transfer from one location to another location when the applicant has been operating a bona fide public eating place at the location from which he is transferring the license or when a bona fide public eating place has been in operation at the location to which the license is being transferred for a period of at least 30 days prior to the transfer of the license. [Filed 12-17-46; effective 12-17-46]

59. On-Sale General License Fees. (a) The annual fee for an on-sale general license shall be $75, plus an amount in accordance with the following:

Location of Premises	
(1) In cities of 40,000 population or over	$450
(2) In cities of less than 40,000 but more than 20,000 population	300
(3) In all other localities	250

(b) The annual fee for an on-sale general license for trains and sleeping car companies shall be $15, plus $100 for the distilled spirits privileges. The license for trains shall be issued to a railroad company or other person selling distilled spirits on board trains operating in this State, and a duplicate thereof for a fee of $30 shall be obtained for each train unit on which distilled spirits are sold. The license for cars of sleeping car companies shall be issued to a sleeping car company operating sleeping cars in this State, and a duplicate thereof at a fee of $30 each shall be obtained for each train unit in which distilled spirits are sold by such company.

(c) The annual fee for an on-sale general license for boats shall be $50, plus $250 for the distilled spirits privileges, except that on inland river boats the amount of the fee for distilled spirits privileges shall be $100.

(d) The fee, per quarter annum, for an on-sale distilled spirits license for a seasonal business shall be one-fourth of the amount in items 1, 2, or 3 of subdivision (a) of this rule, plus $5.

An on-sale distilled spirits license for a seasonal business shall be issued for quarter-yearly periods consisting of any three consecutive calendar months.

*† For statutory and source citations, see note to §1.

Printed July 25, 1945

SUBCHAPTER 2. LIVESTOCK DISEASE CONTROL

(Animal Quarantine)

Article
1. Removal of Cattle, etc., from Slaughterhouse Pens, etc,

Article
2. Movements of Horses, etc., from Papago Indian Reservation in Arizona
3. Movements of Sheep into California

Article 1. Removal of Cattle, etc. from Slaughterhouse Pens, etc.

750. Removal of Cattle, etc., from Slaughterhouse Pens, etc. No cattle, calves, sheep, goats, or swine shall be removed from any slaughterhouse pens, yards, corrals, or similar holding places, except directly into the slaughterhouse controlling such pens, yards, corrals, or similar holding places, or by special permit issued by a representative of the State Department of Agriculture, or of an approved meat inspection service, provided, that when such permit is issued by a representative of an approved meat inspection service, such permit shall be for the movement of animals for immediate slaughter only, and the State Department of Agriculture shall be notified of all permits issued and final disposition of all livestock involved.

(Section 16, Agricultural Code)

[Regulation of the Director of Agriculture, Sept. 15, 1933]

Article 2. Movements of Horses, etc. from Papago Indian Reservation

755. Movement of Horses, etc., from Papago Indian Reservation. Horses, mules and asses over six months of age shall not be shipped, driven, transported, trailed, or otherwise moved unless accompanied by an official health certificate showing that the animals have passed an official negative blood test for dourine within 30 days of date of shipment or movement, and that they have not been exposed to dourine within 30 days of date of shipment or movement, provided, however, that negative tests for dourine will not be accepted on exposed animals if the blood samples have been drawn within 30 days of date of exposure.

(Section 211, Agricultural Code)

[Proclamation of the Governor, Sept. 13, 1944]

Article 3. Movements of Sheep into California

760. Movements of Sheep into California. From and after the fifteenth day of November, 1923, **no railroad or common carrier** shall accept sheep for shipment to California for any purpose until a written or telegraphic permit to ship has been obtained from the California Department of Agriculture, Division of Animal Industry, and the inspection certificate issued as required by Section 761 of this Article. Such permit and certificate shall be attached to the waybill accompanying the shipment. Sheep for **immediate slaughter** may be

shipped without inspection if accompanied by a permit unless said permit requires inspection.

Every person, company, corporation, or their agents are prohibited from shipping, transporting, or driving any sheep into the State of California unless said sheep are accompanied by:

(a) Permit to ship issued by the California Department of Agriculture, Division of Animal Industry.

(b) Certificate of inspection from inspector of the United States Bureau of Animal Industry or regular employee of livestock sanitary authority of state of origin certifying said sheep are free from contagious disease including sheep scabies and exposure thereto.

(Section 211, Agricultural Code)
[Proclamation of the Governor, Oct. 29, 1923]

761. Pursuant to the provisions of Section 211 of the Agricultural Code, cattle from or originating in North and South Warner Valleys and Big Valley, Lake County, Oregon, shall not be shipped, driven, transported, trailed, or otherwise moved or imported into California unless:

(a) Accompanied by a permit issued by an officer of the Division of Animal Industry, California State Department of Agriculture, and

(b) Accompanied by an official health certificate showing that the animals have been inspected by a State or Federal veterinarian within ten days prior to the time of importation and that they are free from evidence of scabies and exposure thereto; and in the case of cattle that have been exposed to scabies, or have been infested with scabies, that said animals have been properly treated under official supervision in a manner satisfactory to the Director of Agriculture of the State of California. A copy of said health certificate shall be forwarded to the Division of Animal Industry, California State Department of Agriculture, Sacramento, California, at the time of importation.

(c) At the time of importation, cattle covered by said health certificate shall not be infested with scabies or exposed thereto. (Filed 12-20-45; effective 12-20-45)

(Section 211, Agricultural Code)
[Proclamation of the Governor]

Article 4. Vessel and Aircraft Garbage Disposal

770. Definitions. (a) As used in this article, all terms defined in Section 286 of the Agricultural Code shall have the same meaning as therein defined, unless a different meaning is specified in this Article or is apparent from the context.

(b) "Food Stores" as defined in Section 286 of the Agricultural Code shall be construed to be applicable to any of the following when carried as stores of vessels or aircraft, including those carried in passengers' and crews' quarters: fresh fruits or fresh vegetables or animal products, **except** milk or the products of milk or canned, sterilized meats. (Section 286, Agricultural Code).*†

771. Retention and Maintenance on Vessels, Aircraft or Other Vehicles. Garbage may be retained or maintained on vessels, aircraft or other vehicles in tightly closed containers or receptacles only subject to approval by the Director of Agriculture, his deputy or inspector who

may at any time require such other disposal or treatment of garbage, containers, or receptacles, as he or they may deem necessary for the protection of agriculture.*†

772. Collection or Transportation of Discharged Garbage. No garbage shall be collected at or transported from any vessel or aircraft **except** for immediate disposal by an approved method without removal from the dock, pier, mole, or airport, unless the person, firm, or corporation collecting or transporting such garbage holds a valid license issued by the Director or by the Federal Government, permitting such collection or transportation to an approved incinerator or grinder, or for movement to sea for dumping as herein provided and all garbage so collected, transported, or otherwise moved from the dock, pier, mole or airport shall be in tight containers.*†

773. Segregation of Garbage Prohibited. No segregation of garbage shall be permitted at any intermediate point prior to delivery to an approved incinerator or grinder, or for movement to sea for dumping, and all garbage must be destroyed by one of the following approved methods immediately upon arrival at such incinerator, grinder or dumping area at sea.*†

774. Approved Methods of Garbage Disposal. All facilities used for garbage disposal shall have been approved by the Director of Agriculture and/or the Federal Government, and disposal shall be by one of the following approved methods:

(a) Complete reduction to ash by an approved method of incineration.

(b) Reduction to a liquid state by grinding and discharge into seawater.

(c) Dumping at sea at a distance from shore which will preclude any portion of such garbage returning ashore.*†

775. Vessel and Aircraft Garbage Collector's License. Each person, firm, or corporation desiring to transport or otherwise move garbage from the dock, pier, mole, or airport shall make application for and obtain a license therefor from the Director of Agriculture before engaging in such operations. All applications for such license shall be in writing on forms furnished by the Director upon request. Licenses issued pursuant to this regulation are valid until revoked by the Director.

Holders of a license from the Federal Government for the purposes stated in this Section shall not be required to have a license therefor from the Director.*†

776. Permits for Removal of Food Stores. Permits to remove food stores, as required in Section 286.4 of the Agricultural Code, may be obtained from representatives of the Director located at offices of the State Department of Agriculture in Sacramento, Los Angeles, San Francisco, San Diego, or San Pedro, or from the County Agricultural Commissioners of those counties served by maritime ports or airports located in areas other than those served by the State Department of Agriculture offices hereinabove stated.

*† For statutory and source citations, see note to §101.

Permits shall not be issued to authorize the removal of food stores which are restricted or prohibited entry by any order or regulation of the California or Federal Departments of Agriculture.*†

777. Enforcing Officers. All authorized agents of the Director and all State Plant Quarantine officers are empowered to carry out all the provisions of these regulations.

778. Subject to Other Rules and Regulations. Compliance with the provisions of this article, governing the disposal of vessel and aircraft garbage, shall not be construed to be compliance with the provisions of any Rules or Regulations promulgated by any other official agency or officer or promulgated under authority of the provisions of the Agricultural Code other than Chapter 4 of Division 2 of said Code. (Sections 770 to 778, inclusive, filed 5-13-46; effective 5-13-46)*†

*† For statutory and source citations, see note to §101.

TITLE 3. AGRICULTURE

DEPARTMENT OF AGRICULTURE

Printed July 25, 1945

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CHAPTER 2. ANIMAL INDUSTRY
CHAPTER 3. ECONOMICS
CHAPTER 4. PLANT INDUSTRY
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Group 1. County Agricultural Commissioners and Deputy Agricultural Commissioners

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(b) Necessary living expenses of the fugitive may be allowed only for the period from the date of detention until the arrival of the agent to take him into custody.

(c) The maximum allowance for meals off trains is $5 per day. If separate meals are charged, a maximum of $1.25 for breakfast, $1.75 for lunch and $2.00 for dinner is fixed.*†

781. Method of travel. (a) The agent shall take the most direct and economical route possible.

(b) Where delays occur, a full explanation, stating the reason, length of time delayed and all other relevant factors, shall accompany the claim. If the explanation is satisfactory, the additional expense may be allowed.

(c) No expenses incurred in Sacramento en route shall be allowed.

(d) The agent when returning fugitives from justice may use compartment accommodations on the return trip with the prisoner and be reimbursed therefor by the State.

(e) When a trip is made by automobile, expenses of agent and prisoner shall be claimed on the same basis as if the trip had been made by train. A statement of this fact and the license number of the agent's automobile must be shown. In addition, a written statement from the local railway agent shall be furnished with the claim certifying as to the correctness of the railroad fares and pullman charges claimed thereon.†* [Filed 11-1-46; Effective 11-1-46]

782. Telegraph charges. No expense incurred en route for telegraphing to hold the fugitive or to the effect that the agent has started on the return journey shall be allowed.*†

783. Expenses prior to appointment. No expenses incurred prior to the date of appointment shall be allowed except such traveling expenses as would have necessarily been incurred by the agent in going direct to the place where the fugitive is held in custody.*†

784. Assistants. No expenses of an assistant shall be allowed unless authorized by appointment by the Governor.*†

785. Attorneys. No attorney fees shall be allowed without an authorization in advance from the Attorney General.*†

786. Porter fees. Reasonable fees for the assistance of porters in watching prisoners en route may be allowed by the Controller, if he finds such assistance was necessary.*†

787. Rewards and compensation. (a) No rewards or compensation shall be paid an agent for services rendered in returning a fugitive. (Pen. C. 1558)

(b) No rewards, fees or expenses in making any arrest or rearrest of a criminal shall be paid by the State except for rewards offered by the Governor. (Pen. C. 1547)*†

*† For statutory and source citations, see note to §775.

Article 11

790. Sales tax refunds on sales of dairy cattle. (The rules on this matter were issued by the Board of Control and are on file in office of the Department of Finance.)*†

Article 12

795. Rules adopted by Adjutant General and approved by the Board of Control pursuant to provisions of Chapter 19, Statutes of First Extraordinary Session of 1941-42. (These rules have not been printed, but same are on file in the offices of both the Adjutant General and Board of Control.)*†

*† For statutory and source citations, see note to §600.

commissions appointed by the Governor, and nonsalaried board and commission members, except in cases of travel outside the State an allowance of $14 per day may be claimed. For periods less than a full day the allowance shall be computed at the rates of $6 for hotel, $1.50 for breakfast, $1.75 for lunch, and $2.75 for dinner. The specific dates for which this allowance is requested shall be stated on the claim together with hour of departure from and return to home or headquarters.

History: 1. Originally published 3-22-45 (Title 2).
2. Amendment filed 10-10-46 (Register 5).
3. Amendment filed 7-31-47 (Register 9).

715. Railroad transportation. (a) No more than actual fare on any transportation service, in accordance with the latest tariffs at the time the trip was made, shall be allowed by the Controller. Special rates and round-trip rates shall be used whenever possible.

(b) One berth for each person will be allowed, except that elective constitutional officers, directors of departments, members Youth Authority, members Adult Authority, commissioners or chiefs of divisions appointed by the Governor, members of boards and commissions whose appointments are authorized by the Constitution, members of boards and commissions appointed by the Governor, and nonsalaried board and commission members shall receive a maximum allowance of $4 per day for accommodations upon common carriers when vouchers are presented in support of the claim.

(c) Unused portions of railroad and sleeping car tickets are subject to refunds and all steps necessary to secure refunds on such tickets shall be taken.

(d) Where it is necessary to use an extra fare train, or extra Pullman accommodations, a full explanation stating the facts constituting the official necessity shall accompany the expense account, together with a receipted voucher, except that where the trip is made by train not equipped with standard Pullman but is equipped with "roomette" accommodations, reimbursement may be claimed for roomette service upon presentation of voucher, without the necessity of such explanation.

(e) An unusual delay or a deviation from the shortest, usually traveled route shall be explained. If due to causes beyond the control of the individual, as, for example, awaiting train connections or accommodations or because of accidents, the additional expenses may be allowed, if fully explained.

(f) Tickets shall be purchased by the individual and reimbursement shall be made upon submission of proper expense account, or tickets may be procured on transportation orders, in which case the transportation order number shall be shown on the expense account. Where Pullman accommodations are secured on transportation orders, the transportation order number will be shown on the expense account. In cases of travel outside the State, transportation orders shall not be used.

History: 1. Originally published 3-22-45 (Title 2).
2. Amendment filed 7-31-47 (Register 9).

DIVISION 2. FINANCIAL OPERATIONS

Printed March 22, 1945

CHAPTER 1. STATE BOARD OF CONTROL
CHAPTER 2. CONTROLLER (NO RULES FILED)
CHAPTER 3. DEPARTMENT OF FINANCE
CHAPTER 4. TREASURER (NO RULES FILED)

CHAPTER 1. STATE BOARD OF CONTROL

Article
1. General Provisions
2. Appropriations
3. Presentation of Claims to the Controller
4. Presentation of Claims to the State Board of Control
5. Claims of Persons Erroneously Convicted of Felony
6. Pay Roll Claims
7. Invoice Claims
8. Traveling Expenses
9. Telephone and Telegraph Charges
10. Agents Returning Fugitives from Justice
11. Sales Tax Refunds on Sales of Dairy Cattle
12. Rules Adopted by Adjutant General and Approved by Board of Control Pursuant to Chapter 19, Statutes of First Extraordinary Session 1941-42 (State Guard)

Article 1. General Provisions

600. The rules and regulations contained in this chapter, unless otherwise noted, are based upon Sections 13920 and 13921 of the Government Code, which read as follows:

13920. By a majority vote, the Board shall adopt general rules and regulations:

(a) Limiting the amount, time and place of expenses and allowances to be paid to officers, agents and employees of the State while traveling on official State business.

(b) Governing such matters as are specifically committed to its jurisdiction.

(c) Governing the presentation and audit of claims against the State for which an appropriation has been made or for which a State fund is available.

13921. The Board shall cause a set of general rules and regulations to be printed for distribution among all State agencies and for the use of any one desiring to present a claim against the State.

NOTE.—§§ 600 to 795, inclusive, issued under authority contained in Section 13920, Gov. Code. The source of §§600 to 795, inclusive, is the rules and regulations of the State Board of Control.

601. Date Effective. The State Board of Control has adopted the following rules and regulations effective July 1, 1944. These rules and regulations repeal all other previous rules and regulations hitherto in effect.

602. Department Rules. Nothing contained in the rules hereby fixed shall be construed to prohibit a State department adopting rules governing its own employees; provided, such rules do not conflict with and are within the maximum of these rules and regulations.

*† For statutory and source citations, see note to §600.

Article 2. Appropriations

610. Fiscal year. (a) The State's fiscal year is from July 1 to and including June 30 of the following year. (Section 5 of Article XX of the Constitution.)

(b) The date of the agreement, contract, or purchase order for materials, supplies or equipment, determines the fiscal year to which the expenditure shall be charged, except that materials, supplies or equipment purchased and received in the months of May or June for use during the subsequent fiscal year may be paid for out of the appropriation for such subsequent fiscal year. Invoices covering such purchases shall be marked as follows: Purchased in_____F. Y. for use in _____F. Y.''*† (Amended 7-26-45.)

611. Availability of appropriations. (a) Appropriations are available only to meet expenditures incurred during the period specified in the appropriation act. Unless otherwise provided in the act, no appropriation is available to meet indebtedness incurred before the act takes effect or for obligations incurred after the close of the period for which the appropriation was made.

(b) If no period is specified in the act making the appropriation, the appropriation is available for expenditure during a period of three years from the date the appropriation became available. (See exceptions, Sec. 16304, Gov. C.)

(c) Encumbrances made during the period of availability and not paid during that period, may be paid during the year following the expiration of the period. If not paid by issuance of a Controller's warrant dated prior to the expiration of one year following the last day of the period of availability of the appropriation, the claim for which the money was encumbered is barred. (See exceptions, Sec. 16304, Gov. C.)

(d) Within the period of availability all appropriations, other than the budget act appropriations for support, are not restricted as to fiscal years, unless otherwise provided in the appropriation act itself.

(e) Not more than one-half of any appropriation for support made by the budget is available during the first fiscal year of the biennium, unless otherwise specified in the act or expressly authorized by the Board of Control.

(f) Any unexpended balance in any such support appropriation at the end of the first fiscal year is available for the second fiscal year of the same biennium and is transferable thereto by the Controller.*†

612. Reversion of appropriation. Unless otherwise provided in the appropriation act, the unexpended balance in every appropriation, upon the expiration of one year following the last day of the period of its availability, reverts to and becomes a part of the fund from which it was appropriated.*† (See exceptions, Sec. 16304, Gov. C.)

613. Purpose of appropriations. Appropriations are not interchangeable, and each shall be used only for the particular purpose defined in the act making the appropriation.*†

*† For statutory and source citations, see note to §600.

614. Indebtedness in excess of appropriation. No indebtedness can be incurred for any purpose in excess of the amount of money appropriated by the Legislature for such purpose, and no deficiency in any appropriation can be created by any State officer or employee, unless the written consent of the Department of Finance has first been obtained. (Sec. 11006, Gov. C.)*†

Article 3. Presentation of Claims to the Controller

620. Segregation. Claims shall be segregated by funds, by appropriations, and by fiscal years in which the obligations were incurred.*†

621. Explanation. Every unusual item of a claim when submitted shall be explained adequately.*†

622. Information required. Every claim and every supporting pay roll schedule, or schedule of bills filed, shall be typewritten and shall show:

(a) The name of the department, board, commission, agency or officer.

(b) The total amount claimed.

(c) The designation of the appropriation and, excepting the General Fund, the fund against which the claim is filed.

(d) The chapter number and year of the statutes making the appropriation.

(e) The fiscal year in which the indebtedness was incurred.*†

623. Additional information required. In addition to the information required under Section 622 every schedule of bills filed shall show:

(a) The name and address of the person in whose favor the warrant is to be drawn.

(b) The items briefly and clearly stated in chronological order, together with all the charges for the period covered by the schedule.

(c) All entries shall be carried to the dollars and cents column direct.

(d) No items shall be interlined.

(e) All invoices covering (1) regular purchase orders, (2) blanket purchase orders, and (3) service and expense items shall be grouped under separate headings on the "Schedule of Bills Filed." If the number of items is small all three classes of items may be listed on a single schedule as long as each class of items is grouped together under separate captions; i.e.

Regular Purchase Orders
Blanket Purchase Orders
Service and Expense Items

*† For statutory and source citations, see note to §600.

All claims except the following *must* be presented to the Bureau of Purchases for approval before presentation to the Controller for payment:

Pay rolls
Bond Purchases
Highway Right of Way
Purchase of Land
Refund Claims
Progress Estimates
Transportation of Patients and Prisoners
Claims which are made up entirely of Travel Expense Vouchers (Form 262)
Postage
Claims consisting solely of Rentals of Space
Claims consisting solely of Reconditioning of Veterans' Homes
Claims consisting solely of Interdepartmental Billings
Claims consisting solely of Sales of Licenses
Care of Extramural Patients—Department of Institutions
Official Advertising
Premiums on Official Bonds
Departmental Sales Tax Returns
Vocational Education for National Defense
Tuberculosis Subsidies—Public Health
Physical Defectives' Claims—Public Health*†

624. Approval of claims. Each claim shall be approved by the department head or another person properly authorized, or, in the case of boards and commissions, by the secretary or by some other person, pursuant to a duly adopted resolution of the board or commission. Unless otherwise provided by law, every claim shall be accompanied by an affidavit of the officer, agent or employee directly responsible for the claim.*†

625. Correction of claims. (a) Errors in extension, addition, or amounts of items of claims shall be corrected by the Controller. The amount of such corrections shall be added to, or deducted from, as the case may be, the total of the claim before the Controller draws his warrant therefor.

(b) The Controller may, in his discretion, disregard errors of ten cents or under in extension of addition of any claim, if in doing so time and expense will be saved in correspondence and claim corrections.*†

626. Rejection of claims. (a) Items in claims which are not proper charges against the State shall be eliminated by the Controller, who shall indicate his reason for the elimination.

(b) The amounts of any items so eliminated shall be deducted from the total of the claim before the Controller draws his warrant therefor.

(c) If the items eliminated are proper charges against the State, they may be resubmitted with necessary correction or explanation with the next claim submitted for allowance. The items eliminated from

*† For statutory and source citations, see note to §600.

mercially sterile, all such material shall be cut open and dumped in the presence of the State Cannery Inspector. In this event, samples will then be taken from the lot of normal appearing cans to be submitted for laboratory examination.

(j) If laboratory findings on samples of normal appearing cans indicate no spoilage, the remainder of the normal appearing cans may then be released for retail trade distribution.

(k) If laboratory findings on samples of normal appearing cans indicate the product not to be commercially sterile, all such material is to be cut open and dumped in the presence of the State Cannery Inspector.

(l) That material found to be abnormal due to overfilling or due to the accumulation of hydrogen from chemical action may be recanned under the inspection of the Bureau of Food and Drug Inspections, based on laboratory examination of representative samples.

(m) All samples selected for submission to the laboratory must be selected by the State Cannery Inspector.

(n) The Chief of the Bureau of Food and Drug Inspections shall determine for each lot restrained whether both normal appearing cans and buckled cans must be flip tested.

NOTE.—§§20001 to 20381, inclusive, issued under authority contained in Deering's General Laws, Act 1248, Section 3. Source of §§20001 to 20381, inclusive, is the Rules and Regulations of the State Board of Public Health.

Article 101. Conduct of Canneries

20010. Conduct of Canneries. Under the provisions of the Health and Safety Code, Sections 205-208, inclusive, Regulations for Conduct of Canneries, are promulgated as follows:

(a) All products must meet specific requirements as to exhaust, initial temperature, cooking time and cooking temperature, as determined for each product.

(b) All raw materials must meet full requirements as to purity, wholesomeness, cleanliness and suitability for canning purposes. To this end the packer must supply any and all necessary equipment, additional help and measures designed to insure the quality of the product.

(c) Each licensed retort operator shall keep a record of the cook as required by this Department.

(1) Production record in legible handwriting showing temperature chart number, retort number, the amount, size cans, varieties, styles of pack, etc., in the retort, the identifying codes, time steam turned on, time cook began, i.e., when agreement reached between temperature and pressure and reading of retort instruments at the beginning and end of the cook. Each production record shall be kept in duplicate and signed by the retort operator or operators.

(2) Chart of recording thermometer must show full time and temperature as required, otherwise the product will be restrained.

*† For statutory and source citations, see note to §20001.

(3) Each production record and recording thermometer chart shall be stamped, initialed and numbered by a State Cannery Inspector before used and must be accounted for.

(4) Temperature curves recorded on temperature charts must have filled in by the canner, the cook or batch number and size of cans involved in each respective curve.

(5) Production records and charts must be scrutinized and checked by a State Cannery Inspector before product is released for shipment.

(d) Each plant must submit and have approved a code to appear legibly on each can. This code will show the plant where packed, year packed, the product contained in can, batch number or day code. It is understood by the packer, that where a day code is used, the entire day's output shall be considered as one batch in case of question. The plant, year, and product code must be embossed in the tin of metal containers. When an individual retort batch number is used it must be ink-stamped on the container after processing unless written permission to emboss the batch numbers has been obtained from the State Department of Public Health. When food products are packed in glass containers under the inspection of the State Department of Public Health, the plant, year, product and day or batch code shall be ink-stamped or embossed in the lid. Should such a container such as a glass bottle be used and the cap or cover be too small to permit the coding to be embossed or ink-stamped thereon, it shall be permissible to legibly perforate or ink-stamp the required code on the label providing the label is securely affixed to the container. (Filed 5-15-46)*†

(e) All products must be free from adulteration and misbranding according to the Health and Safety Code, Sections 26470-26496 and United States Food, Drugs and Cosmetic Act. The product must not be in violation of any other State or county law. The net weight or other information as required by law must appear correctly upon labels.

(f) Any number of cans deemed necessary shall be cut and examined at any time by representatives of this Department.

(g) Plants and equipment must comply with necessary requirements as to cleanliness and sanitation and conform to any and all State requirements.

(h) Officials of plants must insure the cooperation of all plant personnel, their confidence, frankness and honesty.

(i) Packers must realize and faithfully fulfill their own responsibilities and obligations to produce a product above suspicion.

(j) All packers must fulfill their obligations with respect to maintenance of cannery inspection service according to Section 4 of An Act to Regulate the Conduct of Canneries, Deering's General Laws, Act 1248.*†

Article 102. Fish—Delivery, Handling and Inspection of

20020. Fish—Delivery, Handling and Inspection of. Under the provisions of the Health and Safety Code, Sections 205-208, inclusive, Regulations for Delivery, Handling and Inspection of Canned Tuna, Mackerel and Sardines, are promulgated as follows:

*† For statutory and source citations, see note to §20001.

General Rules

(a) The term "decomposed" as used herein shall be taken to mean fish that are "in whole or in part diseased, contaminated, filthy, putrid, or decomposed or otherwise unfit for food."

(b) The Bureau of Food and Drug Inspections of the State of California and its inspectors shall require the seller of raw fish and the canning organization involved in each sale to comply with the provisions

already incurred or accrued) by a written notice of such termination to the Surety, and thereupon this bond shall terminate and be of no more force or effect, except as to any liability already incurred or accrued as to which it shall remain in full force and effect.

The Surety herein reserves the right to terminate this bond except as to any liability already incurred or accrued, and may do so upon giving the said Principal and the Director of Agriculture of the State of California thirty (30) days' written notice to that effect and thirty (30) days after the receipt by the Director of Agriculture of such notice or upon the filing and acceptance of a new bond, its liability under this bond, except as to any liabilities or indebtedness already incurred or accrued, shall cease, and said bond shall thereupon terminate and be of no more force or effect, except as to any liabilities or indebtedness already incurred or accrued thereunder.

IN WITNESS WHEREOF, The said Principal and Surety have hereunto set their hands and seals this _____ day of _____, 19___.

Sign on lines below if you are a corporation	*If individual or copartnership sign below*
_____, Inc., a corporation.	_____
Principal	Principal
By _____	_____
(Title of Official)	
By _____	_____
(Title of Official)	
_____	_____
(Title of Official)	
_____	_____
(Title of Official)	Surety
	By _____
	(Title of Official)

Attach Certificate of Acknowledgment of Principal and Surety Before a Notary Public

PUBLIC CATTLE SALES YARD COMPANY
SURETY BOND

Local Agent Put Your Label Here

BOND

of

Approved this _____day of _____19___
Bureau of Livestock Identification, Department of Agriculture, State of California
By _____

Filed this _____day of _____19___
Chief, Bureau of Livestock Identification, Department of Agriculture, State of California

[REVERSE OF COMPANY SURETY BOND FOR PUBLIC CATTLE SALES YARD]

(Filed 9-5-47; Effective 9-19-47)

(*l*) **Cash Bond for Payment of Hide and Brand Inspection Fees** (Section 344, Agricultural Code):

Know All Men by These Presents:

That_____, the undersigned depositor, does herewith deposit with the Director of Agriculture of the State of California the sum of $_____ current lawful money of the United States of America, under the provisions of Section 344 of the Agricultural Code of the State of California.

THE CONDITION of this deposit is such that if the undersigned depositor does not pay, at the times inspections are made, all fees provided for and required to be paid by the provisions of Article 3 of Chapter 1 of Division 3 of the Agricultural Code of the State of California, and for a period of twenty (20) days after each inspection fails or neglects to pay any or all of said fees;

Then in that event, the said Director of Agriculture or any of the agents or employees of the Department of Agriculture of the State of California are authorized, empowered and directed to take from said sum herewith deposited, the full amount of said fees, and pay the same, and thereupon this bond and deposit at the option of the Director of Agriculture shall not be effective as a bond or deposit under the provisions of said Section 344 of the Agricultural Code until the undersigned shall have deposited with said Director of Agriculture the amount or amounts taken therefrom as aforesaid, or the director at his option may terminate this bond and deposit and return the balance of this deposit to the undersigned.

The undersigned shall not be entitled to a return of this deposit, or any part hereof, until_____days after written request therefor is filed with said Director of Agriculture and all such fees owed by the undersigned have been paid.

The undersigned agrees to increase the amount of the deposit made hereunder within_____days after demand is made therefor by the Director of Agriculture.

The Director of Agriculture may change the number of days allowed to the undersigned to pay such fees after inspections are made.

Signed in duplicate this_____day of_____, 19____.

By _____

By _____

Attach Notary's Certificate of Acknowledgment of Execution

Approved and accepted this_____day of_____, 19____.

Director of Agriculture of the State of California

By _____

Chief, Bureau of Livestock Identification, Department of Agriculture

(m) **Corporate Surety Bond for Payment of Hide and Brand Inspection Fees** (Section 344, Agricultural Code):

Know All Men by These Presents:

That _____

(Name)

_____, as Principal

(Post Office Address)

and _____

a corporation organized under the laws of the State of_____

and authorized to transact a general surety business in the State of California, as Surety, are held and firmly bound unto the State of California, as Surety, in the sum of _____ dollars for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

SEALED With our seals and dated this_____day of_____, 19____.

NOW, THEREFORE, The condition of this obligation is such that if the above bounden Principal does not pay, at the times inspections are made, all fees provided for and required to be paid by the provisions of Article 3 of Chapter 1 of Division 3 of the Agricultural Code of the State of California, and within a period of twenty (20) days after each inspection the above bounden Principal does pay any and all of said fees, then the above obligation shall be null and void; otherwise to remain in full force and effect.

The Director of Agriculture may, upon written notice to the above bounden Principal and Surety, change the number of days allowed to the above bounden Principal to pay such fees after inspections are made.

The State of California, by and through the Director of Agriculture, reserves the right, at any time, to terminate this bond (except as to any liability thereunder already incurred or accrued) by a written notice of such termination to the surety, and thereupon this bond shall terminate and be of no more force or effect, except as to any liability already incurred or accrued as to which it shall remain in full force and effect.

The Surety herein reserves the right to terminate this bond except as to any liability already incurred or accrued, and may do so upon giving the said Principal and the Director of Agriculture of the State of California thirty (30) days' written notice to that effect and thirty (30) days after the receipt by the Director of Agriculture of such notice or upon the filing and acceptance of a new bond, its liability under this bond, except as to any liabilities or indebtedness already incurred or accrued, shall cease, and said bond shall thereupon terminate and be of no more force or effect, except as to any liabilities or indebtedness already incurred or accrued thereunder.

IN WITNESS WHEREOF, The said Principal and Surety have hereunto set their hands and seals this _____ day of _____, 19___.

Sign on lines below if you are a corporation

_____Inc., a corporation.
Principal

By _____
(Title of Official)

By _____
(Title of Official)

By _____
(Title of Official)

If individual or copartnership sign below

Principal

Surety

By _____
(Title of Official)

Attach Certificate of Acknowledgment of Principal and Surety Before a Notary Public

Approved this _____ day of _____, 19___.

Director of Agriculture of the State of California

By _____
Chief, Bureau of Livestock Identification, Department of Agriculture

10875. Bare Allegations Generally. A bare allegation of the statutory grounds for rehearing without specification of details sufficient to permit an identification of the error alleged to exist will not be sufficient grounds for rehearing.*†

10876. The Form and Time for filing a petition for rehearing, and of the answer thereto shall be governed by Sections 5900 to 5910 inclusive of the Labor Code.*†

Article 17. Compromise and Release

10890. Commission's Policy. Agreements which provide for the payment of less than the full amount of compensation due or to become due, and which undertake to release the employer from all future liability, will be approved only where it appears that a reasonable doubt exists as to the rights of the parties or that approval would be for the best interest of the parties.*†

10891. Statutory Requirements. All compromise and release agreements must conform strictly to the requirements of Sections 5000 to 5004 inclusive, of the Labor Code.*†

10892. Execution of. Every compromise and release agreement in addition to the requirements of Sections 5000 to 5004 of the Labor Code must: (a) Be accompanied by all medical reports in the possession of the parties bearing on the case;

(b) Include a written statement showing the age and occupation of the injured claimant and whether he has returned to work, and if so, when;

(c) State in detail the respective claims of the parties;

(d) Report full information concerning the wages or earning capacity of the injured person;

(e) Be signed by the employee or other beneficiary;

(f) Be signed by the attorney or representative of the claimant, if any, and state the fee arrangement and the amount paid thereon;

(g) Be signed by a minor claimant, when over 14 years of age, as well as by the Guardian Ad Litem.

(h) Be attested by two disinterested witnesses or a notary public as to the signature of the employee or other beneficiary;

(i) State amount of compensation previously paid, weekly rate of such payment and period presumed to be covered by such payments.*†

10893. Investigation by Commission. The Commission will inquire into the adequacy of all compromises and may, in its discretion, set the matter for hearing to take evidence when necessary to determine whether such agreement should be approved or disapproved.*†

*† For statutory and source citations, see note to §9700.

Article 18. Commutations

10900. Petitions or Agreements for Commutation will be governed by Sections 5100 to 5106 of the Labor Code. Said petitions or agreements must be accompanied by a written statement setting out in detail the purposes for which the commutation is sought.*†

Article 19. Commission and Panel Procedure

10910. Geographical Divisions. Cases in the following counties shall be heard and decided by Panel One:

Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties.

Cases in the following counties shall be heard and decided by Panel Two:

Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, Santa Barbara and Ventura Counties.*†

10911. Presiding Commissioner of Panels. The Chairman of the Commission shall designate a Presiding Commissioner for each panel.*†

10912. Reference for Taking Testimony. A case may be referred from one panel to the other for the purpose of taking testimony or introducing documentary or other evidence by an order signed by four commissioners. After the taking of such evidence and the transcription of the testimony, the case shall be returned to the initiating panel.*†

10913. Applications Improperly Filed. Where an application is filed incorrectly with the office of one panel or where the convenience of the parties or witnesses requires, a case may be transferred before hearing from one panel to another by an order signed by four commissioners.*†

10914. Action by Commission as a Whole. Cases will be transferred to the Commission as a whole only upon its own motion. Such transfer will be ordered where it appears necessary to secure a uniformity of decision.

Petitions by parties seeking action by the Commission as a whole will be treated as a request for action by the panel having jurisdiction thereof.*†

(§§9700 to 10914, inclusive, filed 11-29-46; Effective 1-1-47.)

*† For statutory and source citations, see note to §9700.

TITLE 4. Business Regulations

CHAPTER 1. ALCOHOLIC BEVERAGES, (BOARD OF EQUALIZATION)
CHAPTER 2. ATHLETIC COMMISSION
CHAPTER 3. FURNITURE AND BEDDING INSPECTION
CHAPTER 4. HORSE RACING BOARD
CHAPTER 5. ITINERANT VENDOR OF DRUGS (NO RULES FILED)
CHAPTER 6. OUTDOOR ADVERTISERS, (DEPARTMENT OF PUBLIC WORKS)
CHAPTER 7. SECRETARY OF STATE,—TRADE-MARKS
CHAPTER 8. WEIGHTS AND MEASURES, (DEPARTMENT OF AGRICULTURE)

Printed—March 22, 1945

CHAPTER 1. ALCOHOLIC BEVERAGES (BOARD OF EQUALIZATION)

Article
1. Violation of Rules
2. Records
4. Invoices
5. Inventories
6. Reports
7. Losses and Allowances
8. Classification of Particular Beverage
9. Samples
10. Sales for Export
11. Applications and Licenses
12. Military and Naval Reservations and Camps
13. Private Warehouses
14. Sales Without Licenses
15. Prices
16. Signs and Notices
18. Standard Cases for Distilled Liquor
19. Certificates of Compliance
20. Measurement of Time
21. Interior Illumination of Licensed Premises
22. Suspension or Revocation of Licenses
23. Administrative Procedure

Article 1. Violation of Rules

1. Violation of Rules. Violation of any rule or regulation by a licensee, his agent or employee, shall be deemed contrary to public welfare and morals and grounds for suspension or revocation of a license. [Filed 11-15-45; Effective 11-15-45]

NOTE—§§1 to 146, inclusive, issued under the authority contained in Section 38 of Chapter 330, Statutes of 1935 as amended; Deering's General Laws, Act 3796. The source of §§1 to 146, inclusive, is the Rules and Regulations of the State Board of Equalization, Alcoholic Beverages.

Article 2. Records

4. General. Every licensee liable for payment of taxes or license fees based upon the sale or manufacture of alcoholic beverages shall keep complete and accurate records of all transactions in alcohol or alcoholic beverages.

All records shall be kept and maintained in this State, unless permission has been granted by the board to keep and maintain the records at a place outside this State.

Every licensee required to file reports shall maintain adequate records by which employees of the board may verify such reports.

All records required by law or rule and regulation to be kept by any licensee, shall be kept and preserved for a period of three years. [Filed 11-15-45; Effective 11-15-45]

7. Distilled Spirits. (a) Every distilled spirits manufacturer, manufacturer's agent, brandy manufacturer, and rectifier shall keep

and preserve a record of all distilled spirits produced, manufactured, cut, blended, rectified, bottled, or otherwise acquired in this State. A daily record of such acquisitions shall be made in book forms prescribed by the board. All distilled spirits received from licensee's own bottling department shall be recorded in SBE Form 240A. Receipts from bottling department shall include all distilled spirits bottled, whether or not the distilled spirits are owned by the licensee.

(b) Every distilled spirits taxpayer shall keep a record in SBE Form 241A of all bottled distilled spirits acquired from other distilled spirits taxpayers in California and of all distilled spirits received from licensee's own branches in California.

(c) Every distilled spirits or brandy importer shall keep a record in SBE Form 242A of all bottled distilled spirits acquired by direct importation from without the State.

(d) Every distilled spirits taxpayer shall keep a record of all distilled spirits sold, and in addition thereto, shall make a daily record in book forms prescribed by the board covering all distilled spirits sold or delivered to other taxpayers in California and all distilled spirits exported or sold for export from California, as follows:

(1) All sales or deliveries of distilled spirits to other California distilled spirits taxpayers, all transfers of distilled spirits to licensee's own branches in California, and all returns of distilled spirits to original vendors in California, shall be recorded in SBE Form 243B.

(2) All sales of distilled spirits exported or sold for export from California and actually exported and all sales of distilled spirits to common carriers engaged in interstate or foreign passenger service, shall be recorded in SBE Form 244B.

(e) All purchase invoices and bottling records covering distilled spirits acquisitions and all sales invoices, credit memoranda, or other data supporting such sales or deliveries, must be retained on the premises of the licensee and filed in such manner as to be readily available for verification by employees of the board.

(f) Any distilled spirits wholesaler may make an application to the board for permission to prepay the distilled spirits excise tax on his inventory of distilled spirits on hand as of the first day of any calendar month, and for permission thereafter to pay the excise tax levied on sales of distilled spirits on the basis of subsequent purchases and acquisitions of distilled spirits by him. Any wholesaler who has been granted such permission and who operates more than one location for which distilled spirits wholesalers' licenses are issued and who elects to file a consolidated tax return covering distilled spirits transactions for all of his branch premises, need not include in his SBE Forms 241A and 243B transfers of distilled spirits between his own premises as otherwise provided in this rule.

(g) **Retail Distilled Spirits.** Retail distilled spirits licensees shall keep the original bills and invoices in connection with the purchase of distilled spirits.

GENERAL PROVISIONS
CALIFORNIA ADMINISTRATIVE CODE

General Preface

The California Administrative Code (Cal. Adm. Code) is a loose-leaf compilation, published by the Division of Administrative Procedure of the State of California. It contains the rules and regulations of State departments and agencies filed with the Secretary of State pursuant to the Administrative Procedure Act. (Government Code, Section 11370, et seq.) The California Administrative Register (Cal. Adm. Reg.) is a periodic supplement to the Code which contains all new regulations, amended regulations and orders repealing regulations. The Register is published weekly and includes all regulations filed with the Secretary of State during the preceding week. The Register is printed in loose-leaf form so that its pages may be inserted in proper sequence into the Code, which may thus be kept up-to-date at all times. The loose-leaf system is used, not only because it enables the subscriber to keep his set current, but also because it permits the furnishing of portions of the Code to those interested in particular titles.

The Code and Register are furnished currently by the State to the county clerk of each county and are available in many of the larger law libraries. The courts are required to take judicial notice of the contents of the Code and Register which, it is presumed by law, state the accurate and official text of any regulation printed therein. (Government Code, Section 11384.)

The first provision in California for the filing of administrative rules and regulations with the Secretary of State and for their compilation and publication was made by Statutes of 1941, Chapter 628. This statute, which took effect on September 13, 1941, required all State agencies to compile their effective regulations and to file them with the Secretary of State on or before March 12, 1942. The statute also created the Codification Board and charged it with the duty of publishing the compiled regulations, but made no appropriation for the work. Chapter 1060 of the Statutes of 1943 made an appropriation for the publishing of the compiled regulations and provided for the sale of the Code and Register to the public. On November 1, 1944, a plan of codification consisting of 23 titles, with chapters, subchapters and articles, was adopted by the Codification Board and the first publication thereunder was made on March 22, 1945. Under the authority vested in it (as modified by Statutes of 1945, Chapters 111 and 1334), the Codification Board published additional titles of the Code from time to time and published nine issues of the California Administrative Register. (Register 1—May 15, 1945, Register 2—November 16, 1945, Register 3—May 15, 1946, Register 4—July 15, 1946, Register 5—October 15, 1946, Register 6—January 15, 1947, Register 7—April 15, 1947, Register 8—July 15, 1947 and Register 9—September 18, 1947.)

The Codification Board's major task, that of compilation and codification, having been completed, its functions were transferred to the Division of Administrative Procedure by Chapter 1425 of the Statutes of 1947. Both the Code and the Register may be purchased (in whole or in part) from the Documents Section of the Printing Division, Department of Finance, 11th and O Sts., Sacramento 14.

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1311. Testing Specimens. When tests are deemed necessary by the inspection authority, samples should be taken and tested in accordance with the recommended procedure on file in the Office of the State Fire Marshal.

Article 8. Job Certification, Registration and Labeling

1320. Pre-job Notification. Prior to the performance of every job of flame-retardant chemical application by a registered concern in connection with any occupancy mentioned in Sections 13115, 13119, or 16713 of the Health and Safety Code, such concern shall first notify the local fire department or the nearest Office of the State Fire Marshal, giving the time and date that the job is to be performed. This provision shall not apply to work done by an application concern on its own premises. The fire department or State Fire Marshal may take samples both of the chemical being applied and of the finished treated fabric(s).

1321. Job Certification. After every job of flame-retardant chemical application by a registered concern, an approved Certificate of Flame Resistance shall be furnished the person or concern for whom the work was done, and copies sent the State Fire Marshal and the local fire authority. These certificates shall be delivered within ten days after completion of the job, shall be filled out completely and signed by an authorized representative of the registered application concern.

This section shall not apply to concerns whose sole business is the treatment or manufacture of yardage goods or a registered fabric.

1322. Filing Samples. Whenever possible, without defacing the article a two inch (2″) x six inch (6″) sample of both the treated and untreated fabric or material shall be attached to the certificate submitted to the State Fire Marshal's Office.

1323. Job Labeling. To every article that is treated, a small label or tag shall be securely affixed, bearing the following information:

(a) Name and registration number of the concern responsible for the job.

(b) Name of the chemical used.

(c) Date of the application of the chemical.

(d) The statement, "This article must be re-treated after washing" (if treated with a "Type II" chemical).

This information may be stamped, printed or stenciled on the article if so desired.

Concerns which treat or manufacture yardage goods may print or stencil their name, or the name of their fabric if registered, on the selvage (at least once every three yards) instead of affixing the label or tag as above.

1324. Labeling Required. No drape, hanging, curtain, drop or similar decorative material inherently flammable shall be installed after the effective date of these rules and regulations in any place or under any condition governed by Section 13119 of the Health and Safety Code unless such drape, hanging, curtain, drop, or similar decorative material shall be labeled as required by Section 1323.

Article 9. The Seal of Registration

1330. Description. Seal of Registration of the State Fire Marshal of California.



The official Seal of Registration shall consist of a series of concentric circles lettered as follows:

Outer Circle:
Upper half: "REGISTERED"
Lower half: "FLAME RETARDANT"

Inner Circle:
Upper half: "STATE FIRE MARSHAL"
Lower half: "CALIFORNIA"

In the center shall appear five crossed trumpets.

Appended below the outer circle and in a central position shall be a box provided for displaying the registration number assigned by the State Fire Marshal to any registered approved chemical, fabric, material or flame-retardant application concern.

1331. Unlawful Use. No person or concern shall use this Seal in any manner or for any purpose without having received official permission so to do from the State Fire Marshal in writing.

1332. Permissive Use. Use of this Seal shall be restricted to permissive use by persons and concerns as defined by these rules and regulations as proof of the fact that the State Fire Marshal of California has approved and registered one or more of the following:

(a) Flame-retardant chemical.

(b) Flame-retardant fabric.

(c) Flame-retardant material.

(d) Flame-retardant application concern.

1333. Approved Use. Approved uses of the Seal shall include, but not by way of limitation, use in connection with:

(a) Labels for containers of approved and registered chemical; or for fabrics or materials.

(b) Stencils for tents, canvas and similar fabrics.

(c) Printed matter including the Certificate of Flame Resistance, approved promotional matter and copy for publication.

(d) Letterheads, personal cards and similar stationery.

1334. Reproduction. No person shall make any reproduction of the California State Fire Marshal's Seal of Registration other than one made from the proof of the master copy furnished the registered person

recognized that any expression of opinion by a Board member in such an instance will be exclusively his personal opinion and will in no way commit the Board or any member thereof.*†

12. Except as provided in Rule 21 hereof, every candidate for the C.P.A. certificate shall be subject to an examination which shall be wholly in writing, upon one side of the paper only, and upon forms furnished by the Board. Each examination paper must be completed within the time allotted by the Board, but such time limit as to the whole examination shall not be less than two days of eight hours each.*†

13. Before commencing the examination each candidate will be given a card bearing a number which must be signed by the candidate, sealed in the envelope provided and delivered to the examination committee. The candidate must enter his number (but must not enter his name) on each sheet of paper used in the examination. Papers must be delivered to the examination committee at or before the close of the time allotted for completion.*†

14. All examination papers remain the property of the Board, and none will be returned to the candidate. However, any candidate shall have the right of access to his papers, solely for personal inspection, in the nearest city in which a Board member resides or has an office, provided he applies therefor in writing to the office of the Board in San Francisco and accompanies such application with a cashier's check, postal or express money order payable to the California State Board of Accountancy in the amount of $10 which is the fee hereby prescribed for such service.*†

15. Each candidate will be notified of his grades within 90 days after completion of the examination. For this purpose, the grades will be A, B, C and D, applied to each subject, the first two signifying that the candidate has passed with a percentage grade of 75 or higher and the last two signifying that he has failed; numerical grades will not be announced.*†

16. A candidate who fails shall have the right to any number of reexaminations upon application on the form provided by the Board and upon payment of the reexamination fee of $10. A candidate who passes two or more subjects at any examination shall have the right to be reexamined in the remaining subject or subjects within a period of five years, and if he passes in the subject or subjects in which he has been reexamined, he shall be considered to have passed the examination. In measuring such five-year period, service in the armed forces of any of the United Nations shall not be counted.*†

Article 3. Reciprocity

21. Reciprocity. The Board may waive the examination for a C.P.A. certificate to one who holds a valid and unrevoked C.P.A. certificate issued by any State or other political subdivision of the United

*† For statutory and source citations, see note to §1.

States, or comparable certificate or degree issued by any foreign country. Waiver of an examination shall be subject to the following general conditions:

(a) An applicant must be employed in public accountancy in California, or have a place in California for the regular practice of public accountancy and be actively engaged in such practice, although not necessarily so engaged personally in California.

(b) An applicant must meet the same requirements as to age, citizenship, moral character, education and experience that are set forth in the said Accountancy Law as the requirements for one who obtains his C.P.A. certificate after passing a written examination.

(c) Rules 7 and 8 above shall apply to the obtaining and filing of applications for reciprocity certificates.

(d) Before granting a certificate by reciprocity, the Board will consider the standards under which the applicant received the certificate or degree upon which he bases his application for a California C.P.A. certificate and all other relevant facts of which it has knowledge.

(e) The Board will not issue a C.P.A. certificate by reciprocity unless and until it has obtained direct confirmation from an appropriate source that the certificate or degree upon which the application is based is currently valid and unrevoked.

(f) The Board will not be bound by the fact that the authority which issued the certificate or degree upon which an application for a California C.P.A. certificate is based does, or does not, recognize the California C.P.A. certificate as the basis for its granting a comparable certificate or degree by reciprocity.*†

22. The California Accountancy Act law (Sections 5000 to 5132, inclusive, Business and Professions Code) specifically provides that nothing therein shall prohibit a certified public accountant or a public accountant of another State, or any accountant of a foreign country lawfully practicing therein, from temporarily practicing in California on professional business incident to his regular practice in another State or country.*†

Article 4. Partnership

27. Partnership. No partnership engaged in California in the practice of public accounting may use the designation "Public Accountants" or "Certified Public Accountants" unless it has registered with the board and holds a permit to practice as such. In order to register and obtain such permit it must meet the requirements of Section 5083 of the Business and Professions Code, as to partnerships of Public Accountants, and the requirements of Section 5081 of said code as to partnerships of Certified Public Accountants. Rules 7 and 8 above govern the obtaining and filing of applications by partnerships for such registration.*†

28. A partnership which is qualified to register as a partnership of Certified Public Accountants may register also, or instead, as a partnership of Public Accountants.*†

*† For statutory and source citations, see note to §1.

Article 5. Registration

33. Registration. An individual who holds a valid and unrevoked California C.P.A. certificate is not required to take any action to register such certificate with the Board. He must, however, pay the statutory annual fee for renewal of such certificate. The holder of a California C.P.A. certificate who served in the armed forces of the United Nations is not required to pay a renewal fee in respect of any calendar year in which he served in such armed forces.

34. After March 15, 1946, no person will be registered as a Public Accountant unless he is specially permitted to register thereafter by the provisions of Section 5082(b) and Section 5096 of the Business and Professions Code and is otherwise qualified.

Article 6. Renewals

39. Renewals. Every certificate and permit shall be renewed on or before December 31 of each year as required by the Accountancy Law (Sections 5000 to 5132, inclusive, Business and Professions Code). If not so renewed, it may be taken from the possession of the holder and his name shall be stricken from the rolls, unless, before the first day of April of the following year, an application is made to the Board for a renewal accompanied by the delinquent fee of $7.50. Application for restoration to the rolls will be considered by the Board if accompanied by payment of delinquent fees for all intervening years.

Article 7. Meetings

44. Meetings. The Board will meet as often as necessary to administer effectively the provisions of the said Accountancy Law. It will inform the public and the profession of its rules and decisions as fully as possible consistent with the nature of its duties. The Board rules will be amended within the framework of the said law whenever conditions indicate that such amendments are necessary in the best interests of the public and of the profession.

(§§ 1 to 44, inclusive, filed 4-5-46)

Article 8. Appeals

49. Appeals. Any applicant for registration as a Public Accountant who is aggrieved by any action taken by an Administrative Committee with respect to his qualifications may appeal to the Board from such action. Such appeal should be filed without undue delay following the receipt of the letter of the Board officially advising the applicant of the action taken by an Administrative Committee except that no appeal should be filed prior to September 19, 1947, the effective date of Section 5032 as amended by the 1947 Session of the Legislature. Two signed copies of the appeal, on plain white paper, size 8½ by 11 inches, should be mailed or delivered to the office of the State Board of Accountancy, 25 Taylor Street, San Francisco 2, California. The appeal should be

headed "Appeal to the Board From the Action of the Administrative Committee," and should contain the following information.

(a) The name, business address and residence address of the applicant making the appeal.

(b) The date of the letter of the Board advising the applicant of the action of the Administrative Committee with respect to which the appeal is made.

(c) A summary of his qualifications to which the applicant believes the Administrative Committee failed to give due consideration.

Upon receipt of an appeal duly signed by the applicant and timely filed, the Board will carefully consider the qualifications of the applicant, and if necessary or desirable in the opinion of the Board, it may give the applicant an oral or written examination as an aid in determining whether he is qualified under the terms of the Act.

Unless due cause be shown, no appeal will be considered timely filed unless received by the Board within sixty (60) days following the date of the letter of the Board officially advising the applicant of the action taken by the Administrative Committee. (Section 5032, Business and Professions Code.)

History: 1. New section filed 10-16-47 (Register 10, No. 1).

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS

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Cross References.—For Bureau of Furniture and Bedding Inspection, see Title 4. Business Regulations

CHAPTER 1. STATE BOARD OF ACCOUNTANCY

Printed December 5, 1946

Article
1. Office
2. Examination of Candidates for C.P.A. certificates
3. Reciprocity
4. Partnership
5. Registration
6. Renewal
7. Meetings
8. Appeals

Article 1. Office

1. Office. The principal office of the Board is situated at 620 Market Street, San Francisco 4; a branch office is situated at 315 South Broadway, Los Angeles 13.

NOTE.—§§ 1-44, inclusive, issued under authority contained in Section 5015, Business and Professions Code.

Article 2. Examinations

6. Examinations. Examinations for the certificate of Certified Public Accountant (hereinafter referred to as C.P.A. certificate) will be held simultaneously in San Francisco and Los Angeles in May and November of each year. Applications for the May examination must be filed not later than April 1 and applications for the November examination not later than October 1. An application will not be considered to be

filed until all required supporting documents have been received. Candidates will be informed of the time and place of the examinations when notified of the acceptance of their applications.

7. Applications must be filed at the principal office in San Francisco on a form provided by the Board (obtainable at either office of the Board or from any Board member), and must be accompanied by a certified check or postal, express or bank money order for the statutory fee, payable to California State Board of Accountancy.

8. Each applicant must submit the names of at least three persons (one of whom must be a resident of California) who can vouch for the applicant's moral character. No person will be granted a C.P.A. certificate until the Board is satisfied by such inquiries as it deems appropriate to make that such person is of good moral character.

9. Each applicant must present evidence satisfactory to the Board that he meets the requirements set forth in Section 5091 of the Business and Professions Code. Satisfactory evidence as to educational qualifications will usually take the form of transcripts, or photostats thereof, of the applicant's high school and/or college record which should accompany the application. However, in unusual circumstances the Board will accept such other evidence as it deems appropriate and reasonably conclusive.

10. Every candidate for the C.P.A. certificate who is not a citizen of the United States by birth must present evidence of citizenship or of his declaration of intention to become a citizen. He may do this by presenting to any employee or member of the Board his certificate of citizenship or declaration of intention along with his application to take the examination. If distance or other circumstance imposes upon the candidate an unreasonable hardship in making such presentation in person, the Board will accept an affidavit from the clerk of the superior court of any California county stating that he has inspected such papers and setting forth all relevant facts including the candidate's name, the number and date of the certificate of citizenship or declaration of intent, the designation of court or other official body by which such certificate was issued, and whether the certificate is final, derivative, etc.

11. Candidates without the experience in public accounting required by the Accountancy Law (Sections 5000 to 5132, inclusive, Business and Professions Code) will be permitted to take the examination, but no certificate will be issued to a successful candidate until he has obtained the required experience. When a successful candidate believes he has obtained such required experience, he may address a letter to the Board at its principal office in San Francisco setting forth the grounds upon which he relies, the dates (as precise as possible) of the employment in which he obtained his experience, and such other information as he believes will aid the Board in reaching a decision. Any member of the Board will confer with any person concerning the adequacy of his experience before such person communicates with the Board, but it must be

141. Sardine Canners, Reduction Plants and Packers of Other Sardine Products.

(a) Each sardine canner must furnish to the Division of Fish and Game from each can company supplying such canner or packer with cans, a copy of each invoice of cans as cans are shipped from the can company, which shall show the number and size of each lot of cans received, the date of shipment, and the number of the car in which shipped in case shipment is made by rail. The Division of Fish and Game shall also be forthwith furnished with a carbon copy of the can company's record of any adjustment for cans returned.

(b) Each sardine canner shall designate one of its employees to accompany and assist the employee of the Division of Fish and Game in taking an inventory of the empty cans on hand at the close of each calendar month. The inventories shall be made in duplicate, and each shall be signed by the two persons making the inventory, and one copy shall be retained by the canner and one by the Division of Fish and Game.

(c) If, after fish have been received as sardines at the plant, it is desired to use any of the sardines as fresh fish, or for bait, or for salting, or for any other purpose than canning or reduction, the canner or packer shall first notify the local representative of the Division of Fish and Game, who, with representative of the canning or packing company, shall determine the amount of the fish so diverted.

The same provisions shall apply in cases where fish are received as sardines, and it is desired to recover from the catch mackerel or other fish.

(d) No sardines shall be received at any canning, packing, preserving, reduction or other plant for canning, packing or reduction, which are spoiled or tainted or which do not meet with the standards established by the State Board of Health for canning purposes, nor shall any sardines be received for any purpose unless such sardines are fit for human consumption, provided, however, that any fish received in good condition and spoiled while in process shall be permitted to be reduced, but such fish so reduced must be included in and considered a portion of the 32½% provided for in Section 1066, Fish and Game Code.

(Section 1077, Fish and Game Code)

[General Order No. 11 as amended 11-24-37]

142. Fishermen and Fish Plants.

(a) In order to prevent waste of fish, no person shall take or bring into any cannery, packing, preserving, reduction or other plant, fish in excess of an amount for which he has a bona fide order in writing, either from the plant to which the fish are to be delivered, or from an organization acting for the plants or for the fishermen within the region; and no person shall deliver fish to a packing plant which are of a size, condition or species not specified in the bona fide order.

A person shall not be considered as having a bona fide order to deliver fish if it is general knowledge, or if it is known by him, that weather conditions, strikes or other labor conditions, or any other conditions will prevent the completed delivery of fish to the given plant.

(b) To prevent waste of fish, fishermen shall to the best of their ability, avoid impounding more fish when laying out the net than they

intend to load on their boat, or of impounding fish of a size or species which do not comply to this order. In cases where more fish are accidentally caught in the net than it is desired to take on their boat or lighter, or in cases where fish which in size, quality or species do not conform to this order, are accidentally caught in the net, fishermen shall release the excess fish or the fish which do not comply to this order while they are still alive and before they commence brailing out the catch.

(Sections 1061 and 1077, Fish and Game Code) (Filed 10-23-46)

[Regulations of the Fish and Game Commission]

143. Sardine Pack, Acceptable Equivalents for, Other than One-pound Oval Cans.

Section 1067 of the Fish and Game Code provides that a ton of sardines suitable in size and condition for canning will produce 960 one-pound oval cans of sardines, or the equivalent if other size cans are used. Allowing 32½ per cent of each ton of sardines actually received in a canning plant to be used for reduction purposes, as provided for in Section 1066 of the Fish and Game Code, this order requires the canning of 648 one-pound oval cans from each ton of sardines. Where other size cans are used, it is hereby ordered that the number of cans of sizes listed below be accepted during the 1941-42 sardine season, and thereafter until otherwise ordered, as the equivalent of 648 cans of one-pound oval cans. These equivalents are subject to revision at any time by this Commission.

1-lb. tall (meat, standard or new style can)	648 cans
(648 cans are equal to 13.5 cases, 48 cans to case)	
No. 10 can	90 cans
(90 cans are equal to 15 cases, 6 cans to case)	
Smacklets, 10½-oz. (Eastern Oyster)	816 cans
(816 cans are equal to 17 cases, 48 cans to case)	
Deviled or sardine paste (3¾-oz. cans)	2,592 cans
(2,592 cans are equal to 54 cases, 48 cans to case)	
Deviled or sardine paste (3-oz. cans)	3,240 cans
(3,240 cans are equal to 67.5 cases, 48 cans to case, or 32.40 cases, 100 cans to case)	
5-oz. or 6-oz. round (paste can)	1,600 cans
(1,600 cans are equal to 16 cases, 100 cans to case)	
½-lb. oval or 9-oz. oblong (whole fish)	1,008 cans
(1,008 cans are equal to 21 cases, 48 cans to case)	
½-lb. round	1,200 cans
(1,200 cans are equal to 25 cases, 48 cans to case, or 12.5 cases, 96 cans to case)	
½-lb. or 9-oz., boned and peeled	700 cans
(700 cans are equal to 7 cases, 100 cans to case)	
¼-lb. boned and peeled	1,400 cans
(1,400 cans are equal to 14 cases, 100 cans to case)	
½-lb. or 9-oz. fillet	840 cans
(840 cans are equal to 17.5 cases, 48 cans to case)	

Any canner of sardines desiring to pack in cans of a size or style not listed above must submit samples of the pack to the Commission and secure the acceptable equivalent, before engaging in packing such size or style of pack.

(Section 1067, Fish and Game Code)

[Regulation of Fish and Game Commission, 8-22-41]

155. Rules and Regulations Regarding the Granting and Issuance of Permits to Take and Use Sardines by a Reduction Process During the 1947-48 and Subsequent Sardine Seasons.

(a) The total tonnage to be used for reduction of whole sardines shall be announced by the Commission on or before May 15 of each calendar year. The tonnage shall be equally divided among all permittees, No additional tonnage shall be granted during the course of a season beyond the the total so announced.

(b) Subject to Rule (g) each applicant who applied for a permit for the 1946-1947 season and whose application was mailed to the Commission prior to midnight, May 15, 1946, will be granted a permit for such plant which will be valid for the 1947-1948 season.

(c) No other permits will be granted unless the applicant appears before the Commission and satisfactorily establishes the fact that granting such a permit would promote the economic utilization of the fish resources of the State in the public interest. No permit granted under this paragraph after May 15 of any year will be issued until the beginning of the season following the succeeding May 15.

(d) If at least 5 per cent of the tonnage allotted to a plant under the permit is not used in a season, the permit will be forfeited and the holder thereof will have to make a new application and establish the need for such a permit as provided in Paragraph (c). Paragraph (d) will not apply if processing is prevented because of conditions of fish supply, or other acts of God, or any condition beyond the control of the operator.

(e) Transfer of permits between plants shall not be permitted.

(f) Permits shall not be sold, assigned, transferred, or disposed of in any manner whatsoever except with the consent of the Commission first had and obtained.

(g) Permits shall be granted or issued only to complete reduction plants. A complete reduction plant shall be independent of any other plant, except the cannery of which the plant is a part, and there will be no joint use with any other reduction plant of any machinery or equipment including, among other things, hopper, hoist, unloading facilities, scales, fish storage bins, presses, dryers, disintegrators wet or dry, meal sacking equipment, meal storage warehouse, oil settling tanks, oil centrifuges, oil loading equipment, and steam plant, and all other equipment necessary for the unloading, weighing and processing of sardines and for the storage of the products obtained therefrom.

(h) Permits shall be issued upon the condition that a magnet of size adequate for the efficient recovery of tags is installed and operated continuously during the operation of the plant in a manner satisfactory to the Commission.

(i) All permits shall be subject to such additional conditions and restrictions as the Commission may elect to impose. A violation of any of the terms of these rules and regulations, or of the terms and conditions of the permit itself, or of the provisions of Division 4, Part 2, Chapter 5, Articles 2, 4 and 5 of the Fish and Game Code shall subject the same to immediate suspension at the option of the Commission, and no new or subsequent permit shall be issued to such permittee for a period of not to exceed 12 months.

(j) These Rules are subject to modification by the Commission at any time to conform to any decision of the courts of this State or to meet any conditions which, in the opinion of the Commission, warrant and justify modification of the same (Filed 7-11-47; effective 7-11-47.)

(Section 1068, Fish and Game Code)

[Regulation of Fish and Game Commission, 12-19-46]

156. Sardines, Limit of Catch for Reduction Purposes.

The Fish and Game Commission having made the findings required by Section 1068, Fish and Game Code, will grant permits to take and use sardines by a reduction process during the 1945-46 sardine season not to exceed 395,000 tons, such tonnage to be divided equally among those applicants for sardine reduction permits to whom such permits are granted.

(Section 1068, Fish and Game Code)

[Regulation of Fish and Game Commission, 6-8-45]

164. Shad and Shad Roe, Sale of.

Shad and shad roe to be held for sale between July 15 and March 14 shall be placed in a public cold storage warehouse at the close of the season, May 31; and a non-negotiable receipt shall be issued and delivered to the Fish and Game Commission. On or after July 15 said shad or shad roe shall be released to the owner by the Fish and Game Commission. All storage charges shall be paid by the owner. On release said shad or shad roe may be sold between July 15 and March 14.

(Section 719, Fish and Game Code)

[Regulation of Fish and Game Commission, General Order No. 23, 1-22-44]

Article 3. Birds

250. Changes in Game Bird Laws.

The open season for the taking of any male pheasant shall be from November 21 to November 30, both dates inclusive. The bag limit of pheasant shall be two male birds per day and 10 per season. Not more than one daily bag limit of two male pheasants may be possessed during any one day by any one person. This order modifies Section 1201 and all other sections of the Fish and Game Code and orders of the Commission inconsistent herewith. (See Shooting Hours on Upland Game.)

(b) Quail. The season for the taking of all variety of quail shall be from November 21 to December 31, both dates inclusive. The bag limit of quail in the aggregate of all species shall be eight per day, 16 per week. Not more than one daily bag limit of quail, in the aggregate of all species, may be possessed during any one day by any one person. This order modifies Section 1200 and all other sections of the Fish and Game Code and orders of the Commission inconsistent herewith. (See Shooting Hours on Upland Game.)

(Section 16.3, Fish and Game Code. Filed 7-15-47; effective 7-15-47.)

[Regulation of the Fish and Game Commission]

251. Shooting Hours on Upland Game.

Shooting hours for all upland game, including but not limited to pheasant, quail, tree squirrel, cottontail, brush and jack rabbits shall be between 8:00 a.m. and one-half hour after sunset from November 21 to November 30, both dates inclusive; for the balance of the seasons the regular shooting hours for resident game shall be those specified in the Fish and Game Code, namely, one-half hour before sunrise to one-half hour after sunset. This order modifies Sections 1200, 1201, 1341, 1340.5, 1250 and all other sections of the Fish and Game Code and orders of the Commission inconsistent herewith.

(Section 16.3, Fish and Game Code. Filed 7-15-47; effective 7-15-47.)

[Regulation of the Fish and Game Commission]

260. Crows, Payment of Bounty.

(a) The bill and a portion of the head of each crow must be shipped to the Division of Fish and Game, Ferry Building, San Francisco. The eyes and brain must be removed from the head so that there will be no decayed animal matter.

(b) Notarized affidavit forms in duplicate must accompany each shipment. Forms may be obtained from the Division of Fish and Game, Ferry Building, San Francisco, or from the district offices in Sacramento, Redding, Fresno and Los Angeles.

(c) Crow heads must be shipped via prepaid express (Section 457 of the Fish and Game Code prohibits shipment of birds and mammals by parcel post.)

(d) Claims must be filed within 10 days after crows are killed.

(Section 29.1, Fish and Game Code)

[Regulation of Fish and Game Commission, 8-24-45]

264. Doves, Mourning, Season and Bag Limit.

(a) The open season for the taking of mourning doves for the season of 1947 in the State of California, shall be from September 1, 1947, to September 30, 1947, both dates inclusive, except in the County of Imperial where the season shall be from October 1, 1947, to October 31, 1947, both dates inclusive.

GIVEN UNDER THEIR HANDS AND SEALS at the City and County of San Francisco, State of California, the day, month and year first above written.

Signature of Contractor

Name of Bonding Company
By _____
Attorney-in-fact

This bond is approved as to form and sufficiency this_____day of_____, 194___.

BOARD OF STATE HARBOR COMMISSIONERS
FOR SAN FRANCISCO HARBOR
By _____

As and constituting the Board of State Harbor Commissioners for San Francisco Harbor

48. Department of Industrial Relations. (a) **Employment Agency Bond** (Sections 1589, 1590, and 1663, Labor Code):

State of California
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR LAW ENFORCEMENT
Industrial Relations Building
965 Mission Street
San Francisco 3, California

EMPLOYMENT AGENCY BOND

Know All Men by These Presents:

That we, _____,
(Full name of applicant, of all partners, or of corporation)
doing business as_____Agency
An Employment Agency and/or Artists' Manager or Labor Contractor
(Strike out classes not applicable)
of _____, as Principal,
(City or Town)
and _____, as Surety, are held and firmly bound to the people of the State of California in the penal sum of one thousand dollars ($1,000), lawful money of the United States of America, to be paid to the people of the State of California; for which payment we bind ourselves, our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

The condition of this obligation is that if the above bounden Principal complies with the provisions of Chapter 1, Part 6, Division 2 of the Labor Code of the State of California, and pays all sums due any individual or group of individuals when such Principal or his representative or agent has received such sums, and pays all damages occasioned to any person by reason of misstatement, misrepresentation, fraud, deceit, or any unlawful acts or omissions of the Principal mentioned above, or of his agents or employees while acting within the scope of their employment, then this obligation is to be void, otherwise it is to remain in full force and effect.

This bond shall be deemed continuous in form and shall remain in full force and effect throughout all succeeding license periods unless terminated or canceled in the manner hereinafter provided.

The State of California, acting through the Labor Commissioner, reserves the right, at any time, to terminate this bond (except as to any liability thereunder already incurred or accrued) by a written notice of such termination to the Surety, and thereupon this bond shall terminate and be of no more force or effect, except as to any liability already incurred or accrued as to which it shall remain in full force and effect.

The Surety reserves the right to terminate this bond except as to any liability already incurred or accrued, and may do so upon giving the said Principal and the Labor Commissioner of the State of California thirty (30) days' written notice to that effect and thirty (30) days after the receipt by the Labor Commissioner of such notice or upon the filing and acceptance of a new bond, its liability under this bond,

except as to any liabilities or indebtedness already incurred or accrued, shall cease, and said bond shall thereupon terminate and be of no more force or effect, except as to any liabilities or indebtedness already incurred or accrued thereunder.

IN WITNESS WHEREOF, the said Principal and Surety have hereunto set their hands and seals this_____day of_____, 19____.

The premium paid for this bond is $_____ per annum.

(Sign on lines below if you are a corporation)

_____, Inc.
Principal
a corporation.
By _____
Title of Official
By _____
Title of Official
By _____
Title of Official
(Corporate Seal)

(If individual or copartnership sign below)

Principal

Surety
By _____
By _____

Attach Certificate of Acknowledgment of Surety Before a Notary Public

NOTE—This bond is to be duly executed and filed with the Labor Commissioner, Industrial Relations Bldg., 965 Mission St., San Francisco 3, California.

(See over for acknowledgments)

[REVERSE OF EMPLOYMENT AGENCY BOND]

CERTIFICATE OF ACKNOWLEDGMENT—INDIVIDUAL

STATE OF CALIFORNIA }
} ss.
COUNTY OF _____ }

On this_____day of_____, 19___, before me, _____, a Notary Public in and for the said County of_____, State of California, personally appeared_____, known to me (or proved to me on the oath of _____) to be the person whose name is subscribed to the within instrument, and acknowledged to me that_____executed the same.

IN WITNESS WHEREOF, I set my hand and affix my official seal.

(Seal)

Notary Public in and for the County of_____,
State of California

CERTIFICATE OF ACKNOWLEDGMENT—PARTNERSHIP

STATE OF CALIFORNIA }
} ss.
COUNTY OF _____ }

On this_____day of_____, 19___, before me, _____, a Notary Public in and for the said County of_____, State of California, personally appeared_____, known to me (or proved to me on the oath of _____) to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF, I set my hand and affix my official seal.

(Seal)

Notary Public in and for the County of_____,
State of California

CERTIFICATE OF ACKNOWLEDGMENT—CORPORATION

[President, Vice President, or Secretary]

STATE OF CALIFORNIA }
} ss.
COUNTY OF _____ }

On this_____day of_____, 19___, before me, _____, a Notary Public in and for the said County of_____, State of California,

47. Board of State Harbor Commissioners for San Francisco Harbor. (a) **Bond to Accompany Contract** (Section 2053, Harbors and Navigation Code):

(Form)

BOND TO ACCOMPANY CONTRACT

Know All Men by These Presents:

That _____,
(Insert here name of corporation, firm or individual)
and having its office and principal place of business in the City and County of San Francisco, State of California, as Principal, and_____
(Insert here name of Bonding Company)
as Surety, are held and firmly bound unto the Board of State Harbor Commissioners for San Francisco Harbor, in the sum of_____($_____) dollars, lawful money of the United States, for the payment of which sum, well and truly to be made, they bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

SEALED WITH THEIR SEALS and dated this_____day of_____, 194__.

THE CONDITION of the above obligation is such that:

WHEREAS, The above bounden_____, has entered into a contract of even date herewith, with the said Board of State Harbor Commissioners, to do and perform in a good and workmanlike manner, all the work and improvements described in the plans and specifications approved by the said Board of State Harbor Commissioners on_____, 194__ and now on file in the office of said Board, to wit, the work of

(Insert here description of work)

on the waterfront of the City and County of San Francisco, as will more fully appear from said contract, reference to which is hereby made.

NOW, THEREFORE, If the said_____, shall in all things well and faithfully perform and complete said contract according to the true intent and meaning thereof, and to the satisfaction of said Board of State Harbor Commissioners, and shall carry out all of the terms, covenants and conditions of said contract on its part to be kept and performed, and complete and turn said work over to said board, free and clear of all claims and demands, liens or charges for mechanics, material men, laborers or from any other cause or causes whatever, then this obligation to be null and void; otherwise to remain in full force and effect.

And the said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the work to be performed thereunder or the specifications accompanying the same shall in any wise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the work or to the specifications.

GIVEN UNDER THEIR HANDS AND SEALS At the City and County of San Francisco, State of California, the day, month and year first above written.

Signature of Contractor

Name of Bonding Company

By _____
Attorney-in-fact

This bond is approved as to form and sufficiency this_____day of_____, 194___.

BOARD OF STATE HARBOR COMMISSIONERS
FOR SAN FRANCISCO HARBOR

By _____

As and constituting the Board of State Harbor Commissioners for San Francisco Harbor

(b) **Labor and Material Bond to Accompany Contract** (Sections 4200 to 4208, inclusive, Government Code):

(Form)

LABOR AND MATERIAL BOND TO ACCOMPANY CONTRACT

Know All Men by These Presents:

WHEREAS, The Board of State Harbor Commissioners for San Francisco Harbor, hereinafter designated as "the Board," has awarded to_____,
(Insert name of Contractor)
a contract to do and perform in a good and workmanlike manner, all the work and improvements described in the plans and specifications approved by said board on _____, 194___, and now on file in the office of said board, to wit, the work of

(Insert here description of work)
on the waterfront of the City and County of San Francisco, as will more fully appear from said contract, reference to which is hereby made, and_____, has entered into said contract of even date herewith, with the board; and,

WHEREAS, Said Contractor, _____, is required by the provisions of Chapter 3, Division 5, Title 1, Sections 4200-4208, both inclusive, of the Government Code of California, to furnish a bond in connection with said contract providing that if said Contractor, or any of___subcontractors, shall fail to pay for any materials, provisions, provender, or other supplies, or teams, used in, upon, for or about the performance of the work contracted to be done, or for any work or labor done thereon of any kind, that the Surety will pay the same in an amount not exceeding the sum specified in the bond, and also in case suit is brought upon the bond, a reasonable attorney's fee, to be fixed by the court;

NOW, THEREFORE, _____, and having its office and principal place of business in the City and County of San Francisco, State of California, as Principal, and_____ as Surety, are held and firmly bound unto the Board of State Harbor Commissioners for San Francisco Harbor, in the sum of_____($_____) dollars, lawful money of the United States, for the payment of which sum well and truly to be made, they bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

SEALED WITH THEIR SEALS and dated this_____ day of_____, 194___.

THE CONDITION of this obligation is such that, if the said_____, or___ heirs, executors, administrators, successors and assigns, or___subcontractors, shall fail to pay for any materials, provisions, provender, or other supplies, or teams, used in, upon, for or about the performance of the work contracted to be done, or for any work or labor done thereon of any kind, the Surety on this bond will pay for the same in an amount not exceeding the said sum of_____($_____) dollars, and in case suit is brought upon this bond, will also pay a reasonable attorney's fee to be fixed by the court.

This bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Chapter 3, Division 5, Title 1, Sections 4200-4208, both inclusive, of the Government Code of California, and Section 1184e of the Code of Civil Procedure of California, so as to give a right of action to them or their assigns in any suit brought upon this bond.

And the said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the work to be performed thereunder or the specifications accompanying the same shall in any wise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the work or to the specifications.

and all other particulars that may affect the value of such school books; (4) that the publisher will not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in textbooks, and that he will not enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of school books for use in the State of California; (5) that the publisher will maintain an office in California or designate two or more separate agents or arrange with two or more independently owned and operated depositories which are recommended as such depositories by the State Department of Education, to receive and handle orders for said book or books; (6) that the publisher will pay the costs in a sum not to exceed five hundred dollars of any investigation of the merits of any book filed by him should a commission of impartial experts find, after public hearing, that such book filed by said publisher and sold by him in California contained sectarian or denominational doctrine contrary to law, or propaganda injurious, in the judgment of such commission, to the schools; then the above obligations to be void, otherwise to remain in full force and virtue.

This bond shall be and remain in full force and effect for a period of_____ years from and after 12 noon of the_____day of_____, A.D. one thousand nine hundred and_____.

(SEAL)

Name of publisher

By_____
Authorized official or publisher

Surety

Signed, sealed and delivered in the presence of

NOTE: The Surety on this bond must be a Surety Company authorized to do business in California.

38. Department of Employment. (a) Labor and Material Bond (Sections 4200-4207, inclusive, Government Code):

Know All Men by These Presents:

That _____as Principal, hereinafter designated the Contractor, and_____ as Surety, are held and firmly bound unto the State of California in the sum of _____dollars, to be paid to the State of California, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

SEALED WITH OUR SEALS.

Dated the_____day of_____A.D. 19___.

THE CONDITION of the above obligation is such that:

WHEREAS, The said Contractor has been awarded a contract by the Department of Employment of the State of California, in the State of California, for furnishing all necessary labor and materials, including tools, implements and appliances required, and performing and completing in a workmanlike manner all the_____in the _____California, as will more fully appear by the said contract bearing the date of the_____day of_____19___; and

WHEREAS, The total amount payable by the terms of said contract is the sum of_____dollars; and

WHEREAS, The said Contractor is about to enter upon the performance of such work and is desirous of giving bond in pursuance of the provisions of Chapter 3, Division 5, Title 1 of the Government Code;

NOW, THEREFORE, If the said Contractor, or his subcontractor, fails to pay for any materials, provisions, provender, or other supplies, or teams used in, upon, for or about the performance of the work to be done by him in connection with the said contract, or for any work or labor done thereon, or in connection therewith, of any kind, then the above named Sureties will pay for the same in or to an amount not exceeding the said sum of_____dollars; and also, in case suit is brought upon this bond, a reasonable attorney's fee, to be fixed by the court; and until such payment shall be made, the above obligation shall be and remain in full force and effect, otherwise (that is to say, if the said Contractor___ shall not fail to pay for such materials, supplies, work and labor) the above obligation shall be void.

This bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Section 1184e of the Code of Civil Procedure so as to give a right of action to them or their assignees, in any suit brought upon said bond.

_____ (SEAL)
Contractor
_____ (SEAL)
Surety

Address of Surety
By_____
Add title of official

(Signature of Contractor and Surety must be acknowledged by a notary)

40. State Board of Equalization. (a) **Bond of Alcoholic Beverage Excise Taxpayer** (Section 24.5, Alcoholic Beverage Control Act, Statutes 1935, Chapter 330, as amended; Deering's California General Laws, Act 3796):

STATE BOARD OF EQUALIZATION
ALCOHOLIC BEVERAGE CONTROL DIVISION
Bureau of Tax Assessment
Sacramento, California

ALCOHOLIC BEVERAGE EXCISE TAX BOND

As Required by Chapter 330, Statutes of 1935, as Amended

Know All Men by These Presents:

Bond Number_____

That we, _____,
Insert name of Principal
as Principal, and_____,
Insert name of Surety
a corporation, duly organized and doing business under and by virtue of the laws of _____, and duly licensed for the purpose of making, guaranteeing or becoming sole Surety upon bonds or undertakings required or authorized by the laws of the State of California, as Surety, are held and firmly bound unto the People of the State of California, in the sum of_____dollars ($_____), lawful money of the United States of America, for the payment whereof well and truly to be made, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION of the foregoing obligation is such that,

WHEREAS, The above bounden Principal has made application to the State Board of Equalization of the State of California for one or more licenses making said Principal liable for the payment of excise taxes under the provisions of the Alcoholic Beverage Control Act, and

WHEREAS, Under the terms of said act a bond is required of said Principal and a corporation such as is mentioned in Section 1056 of the Code of Civil Procedure of the State of California, as Surety, payable to the People of the State of California, conditioned upon the payment to the State of California of all excise taxes, interest and penalties and other obligations of said Principal arising out of said act;

NOW, THEREFORE, If the above bounden Principal shall pay to the State of California all excise taxes, interest and penalties and other obligations of said Principal arising out of said act, then this obligation shall be null and void; otherwise to remain in full force and effect.

The Surety herein reserves the right to withdraw as such Surety, except as to any liability already incurred or accrued hereunder, and may do so upon giving written notice of such withdrawal to the State Board of Equalization; provided, however, that the withdrawal shall be effective on the first day of the calendar month after receipt of such notice by said board, if such notice is received on or before the fifteenth day of the month, otherwise the withdrawal shall be effective on the first day of the second calendar month after receipt of such notice by said board; and further provided, that no withdrawal shall in anywise affect the liability of such Surety arising out of any sale of beverage made or other obligation incurred by the Principal herein prior to the

Any payment in accordance with this provision shall discharge the obligation of the insurer hereunder to the extent of such payment.

Instructions

(1) Wherever the word "insurer" is used in the above provisions there shall be substituted therefor "company," "corporation," "association," "society" or such other word as will properly designate the insurer.

(2) Whenever either of the above clauses are used in a group disability or in a blanket disability policy form there shall be substituted for the word "insured" wherever it occurs the words "insured employee," "insured member" or other proper designation of the individuals insured under such policy.

(3) Whenever either of these clauses are used in a Family Expense Disability policy they shall be used to apply only to the benefits payable for injury to, or sickness of, the insured head of the family. In such case, wherever the word "insured" is used in the above provisions there shall be substituted therefor the words "insured head of the family."

(4) Whenever either of the above clauses are used in a group disability policy, the clause set forth in the master policy shall be set forth in the individual certificate.

(5) The portion of these clauses which is identical with Standard Provision 11 as prescribed by law shall be printed in the policy in the position prescribed by law for such provision. The form of facility of payment clause used shall be set forth in the policy either immediately following Standard Provision 11 or at the end of the Compulsory and Optional Standard Provisions, in which case such clause shall be captioned "Facility of Payment," such caption being equal in prominence to the caption "Standard Provisions," and the underlined words "the above provision" shall be deleted and the words "Standard Provision 11" substituted therefor.

(6) Form A may be used in a policy providing benefits for accidental death, and from said form the insurer may omit the paragraph relative to payment of benefits in the event of the incompetency of the insured or his incapability to execute a valid receipt.

(7) Form B may be used in a policy not providing benefits for accidental death, and from said form the insurer may omit the portion thereof relative to payment of benefits in the event of incompetency of the insured or his incapability to execute a valid receipt. (Ins. C. 10369)

(Section 2238 issued under authority contained in Section 10270.93, Insurance Code.)

Article 6. Individual Disability Policy Forms

2240. Clauses Reducing Benefits on Account of Age. A considerable number of insurers have issued policies that contain a clause reducing benefits if the insured is over a specified age to persons already

* For statutory citations, see note to §2236.
† For source citations, see note to §2050.

over that age. Such a clause often misleads the person to whom the policy is issued if that person is already over the age at which the benefits begin to be reduced.

Therefore, in order that the issue of such policies will not be such as to make the provision one likely to mislead the person to whom it is offered, delivered, or issued, in violation of Section 10291.5 of the Insurance Code of this State, insurers are hereby forbidden to issue policies containing any such clause to any person who, at the inception date of the contract, is over the age at which any reduction in benefits takes place by the terms of such clause.

Moreover, disability policies will not hereafter be approved which contain any clause other than Standard Provision 20, which reduces benefits upon the insured attaining a specified age, unless such clause is so phrased as clearly to state that the reduction takes effect only if the insured *becomes* over the specified age after issue of the policy.*†

Article 7. Workmen's Compensation Policy Forms

2250. Dividend Clause. No workmen's compensation insurance policy providing for participation in the surplus of the company shall be issued on or after December 1, 1942 unless the dividend clause sets forth in detail the reasons (other than the failure of the company to earn divisible surplus) for which the policyholder may be denied the right to a dividend.

As an example of the proper manner of setting forth such restrictions the following dividend provision of the State Fund is quoted:

"Upon expiration of this Policy and after adjustment of premium as herein stipulated, the Insured shall be entitled to a dividend which shall represent such proportion of any divisible surplus of the Fund as may be provided in the authorized dividend plan in effect and applicable to this Policy, provided, that no dividend shall accrue or become payable hereunder:

"If any part of the premium for this Policy shall remain unpaid after written demand therefor, or in any event for a continuous period of ninety days following date of the Fund's statement therefor mailed to the address of the Insured appearing on the records of the Fund, or

"If the payroll records of the Insured are not available for audit or not in such condition that the actual premium for the Policy Period can be ascertained by payroll audit, or

"If suit is brought by the Fund for an accounting or to enforce collection of any part of the premium for this Policy, and provided that

"In no event shall that part of any dividend accrue or become payable which would operate to reduce the total net premium to be retained by the Fund for this Policy to an amount less than the Minimum Premium."

It should be clearly understood that the Department has quoted from the above policy provisions merely to afford an example to be followed by other carriers in relation to subject matter of this ruling and that there is no intent to limit a ground which will be recognized as legitimate for denial of dividend.

NOTE.—§§2250 and 2251 issued under authority contained in §§11630 to 11742, Insurance Code. The source of §§2250 and 2251 is Rules and Regulations, Insurance Commissioner.

*† For statutory and source citations, see note to §2050.

2241.1. Unless the context otherwise requires, when used in this article the following words or abbreviations mean or include:

(a) "C. U. I. Act" means the California Unemployment Insurance Act.

(b) "U. C. D." means California Unemployment Compensation Disability as the words are used in the C. U. I. Act.

(c) "Voluntary Plan" means a voluntary plan of U. C. D. benefits pursuant to Article 10 of the C. U. I. Act.

(d) "Insurer" means an insurer admitted to transact disability insurance in California.

(e) "Commission" means the California Employment Stabilization Commission.

(f) "Commissioner" means the Insurance Commissioner.

(g) "Employer" includes associations of employers or employees to which U. C. D. policies may be issued.

(h) "Employee" includes members of associations of employees and employees of members of associations of employers to which U. C. D. policies may be issued.

(i) "Policy" includes any rider or endorsement effecting or affecting U. C. D. benefits.

2241.3. Filing and Approval. No U. C. D. Policy shall be issued or delivered by any insurer until:

(a) A copy of the form thereof is filed with the Commissioner

(b) Either

(1) Thirty days expires without notice from the Commissioner after such copy is filed, or

(2) The Commissioner gives his written approval thereof prior to that time.

2241.5. U. C. D. policies and forms shall be submitted to the Commissioner for filing with and approval by him in conformity with the requirements of Article 1 of this subchapter applicable to other disability policies and forms, except that in the submission of final copies for approval, each form shall be submitted in quadruplicate. In addition, one copy should be submitted to the Commission.

2241.7. If the Commissioner notifies an insurer, in writing, that a U. C. D. form filed by it does not comply with the requirements of law or this Article, or both, specifying the respects in which it does not so comply, such insurer shall not issue any U. C. D. policy in such form. If, after having approved a U. C. D. form, the Commissioner subsequently withdraws his approval pursuant to Section 12957 of the Insurance Code, such insurer shall not thereafter issue any U. C. D. policy in such form.

2241.9. No U. C. D. policy or form will be approved by the Commissioner for issuance or delivery if he finds that it contains any provision or has any title, heading, backing or other indication of its provision which is likely to mislead a person to whom the policy is offered, delivered or issued or any employee insured or proposed to be insured thereunder.

2242. If individual certificates setting forth a statement as to the insurance protection afforded and to whom payable are to be issued to

the employees insured, the form thereof must first be filed with and approved by the Commissioner in the manner provided in this Article for filing and approval of policies.

2242.1. Any U. C. D. policy or certificate which is found by the Commission not to conform to the requirements of the C. U. I. Act or the authorized regulations of the Commission for voluntary plans, or both, will not be approved by the Commissioner or, if previously approved by him, approval thereof will be withdrawn.

2242.3. Form—General Requisites. No U. C. D. policy shall be issued or delivered by any insurer:

(a) Unless the times at which the insurance takes effect and terminates are clearly stated in the policy.

(b) Unless every printed portion and any endorsements or attached papers are plainly printed in type of which the face is not smaller than 10-point.

2242.5. No U. C. D. policy shall be issued or delivered by any insurer if it contains any provisions purporting to make any portion of the charter, constitution or by-laws of the insurer a part of the policy unless such portion is set forth in full in the policy.

2242.7. No U. C. D. policy shall be issued or delivered by any insurer which contains any provision contradictory, in whole or in part, of any of the required provisions or optional provisions hereinafter set forth or described or which conflicts with such required and optional provisions.

2242.9. U. C. D. policies issued by a foreign insurer (an insurer not organized under the laws of California) may contain any provision which is required by the law of the state or country under whose laws the insurer is organized if such provision is not inconsistent with the C. U. I. Act and the Rules and Regulations of the Commission.

2243. U. C. D. policies issued outside this State may contain any provision required by the laws of the state or country where issued if such provision is not inconsistent with the C. U. I. Act and the Rules and Regulations of the Commission.

2243.1. In lieu of compliance with the regulations hereinafter set forth in this article relating to required and optional provisions for U. C. D. policies, any insurer may, at its option, elect to comply, in toto, with the regulations set forth in Article 2 of this subchapter relating to required and optional standard provisions for group disability policies and with the requirements of Sections 10270.5, 10270.55 and 10270.6 of the Insurance Code. Any U. C. D. policy which, prior to the effective date of this Article, has been approved by the Commissioner pursuant to the laws and rules and regulations then in effect and applicable to such policies may be issued or delivered without re-submission for filing and approval under this Article. Nothing contained herein, however, shall limit or restrict the power and authority of the Commissioner under Section 12957 of the Insurance Code to withdraw approval of any such policy.

2243.3. In respect to the forms for any of the required or optional provisions hereinafter set forth,

(a) Wherever the word "insurer" is used there may be substituted therefor "company," "corporation," "association," "society," or such other word as will properly designate the insurer.

(b) Wherever the word "employee" is used there may be substituted therefor "member" or other proper designation of the individual insured.

(c) Wherever the word "policy" is used there may be substituted therefor "rider," "endorsement," "contract," or other proper designation of the document embodying the contract between the parties to which the provision refers.

(d) Wherever the word "employer" is used, there may be substituted therefor "executive officer," "trustee," or other proper designation of the person making application for a U.C.D. policy on behalf of an association.

(e) Blanks shall be completed with appropriate material in conformity with any special instructions relative to matter to be inserted therein.

(f) Words or phrases in parentheses may be included or omitted at the option of the insurer.

2243.5. Except as provided in Section 2243.1, every U. C. D. policy issued or delivered by any insurer shall contain the required provisions hereinafter set forth and may contain the optional provisions hereinafter set forth either in the exact language so set forth or in the substance thereof, or in the substance thereof but more favorable to the employees insured or not less favorable to such employees and more favorable to the employer.

2243.7. Form—Required Provisions. Every U. C. D. policy shall contain a provision that the insurer will issue to the employer, for delivery to each employee insured, either a statement of coverage or an individual certificate setting forth a statement as to the insurance protection afforded the employee and to whom payable. If the policy provides for the issuance of a statement of coverage or an individual certificate in the alternative, but does not specify which will be issued, the application shall so specify.

2243.9. Every U. C. D. policy shall contain a provision that to the group or class thereof originally insured there shall be added from time to time all employees of the employer eligible to and applying for insurance in such group or class.

2244. Every U. C. D. policy shall contain a provision in the following form (or in the substance thereof):

"This policy is not in lieu of and does not affect Workmen's Compensation Insurance."

2244.1. Every U. C. D. policy shall contain a provision relative to the contract which shall be in one of the forms set forth in (a) and (b) hereof appropriate to the basis upon which the policy is issued (or in the substance thereof):

(a) "This policy and the application of the employer constitute the entire contract between the parties."

(b) "This contract constitutes the entire contract between the parties."

2244.3. Every U. C. D. policy shall contain a provision relative to statements in the applications and changes in the policy which shall be in one of the forms set forth in (a) and (b) hereof at the option of the insurer (or in the substance thereof):

(a) "In the absence of fraud, all statements made by the employer shall be deemed representations and not warranties and no such statement shall (avoid the insurance or reduce the benefits under this policy or) be used in defense to a claim hereunder unless it is contained in a written application.

"No agent has authority to change this policy or to waive any of its provisions. No change in this policy shall be valid unless approved by an executive officer of the insurer and such approval be endorsed hereon."

(b) "In the absence of fraud, all statements made by the employer shall be deemed representations and not warranties and no such statement shall (avoid the insurance or reduce the benefits under this policy or) be used in defense to a claim hereunder unless it is contained in a written application.

"No agent has authority to change this policy or to waive any of its provisions. No change in this policy shall be valid unless approved by an executive officer of the insurer and evidenced by endorsement hereon, or by amendment hereto signed by the employer and by an executive officer of the insurer."

2244.5. Every U. C. D. policy shall contain provisions relative to notice and proof of claim which, at the option of the insurer, shall be either in the short form set forth under (a) of this section (or in the substance thereof) or in all of the forms set forth under (b) of this section (or in the substance thereof) in accordance with the instructions for their use:

(a) **First Alternative Required Provision Relative to Notice and Proof of Claim.** "All _____ provided in this policy shall be paid to the employee as they accrue upon receipt of written proof (on the insurer's forms or, if such forms are not furnished by the insurer within fifteen days after demand therefor, then upon receipt of written proof) covering the occurrence, character and extent of the event for which claim is made."

Instructions for Its Use. This provision may be used, at the option of the insurer, in lieu of any one of the following combinations of provisions under (b):

(b) (1), (2) and (3)
(b) (1), (2), (3), (4) and (5)
(b) (1), (2), (3), (4), (5) and (6)

In the blank space the word "benefits" or other descriptive phrase shall be entered. If this provision is used in combination with the provision under (b) (6), there shall be substituted in lieu of the words "to the employee as they accrue" contained in this provision, the words "as

stated _____'' inserting in the blank space the location in the policy of the required provision prescribed under (b) (6).

(b) **Second Alternative Required Provisions Relative to Notice and Proof of Claim.** (1) "Written notice of injury or of sickness upon which claim is based must be given to the insurer within twenty days after the date of the commencement of the first loss for which benefits arising out of each such injury or sickness are claimed."

(2) "Notice given by or in behalf of the claimant to the insurer at _____ or to any authorized agent of the insurer, with particulars sufficient to identify the insured employee, shall be deemed to be notice to the insurer."

Instructions for Use of Form (b) (2). In the blank space, the address at which notice may be given shall be entered. This provision may be omitted if the insurer has conspicuously imprinted on the individual certificates (including supplemental certificates) and the statements of coverage the name of the insurer and the address of its home and branch offices to which notices may be sent. Otherwise, this provision shall be incorporated in the policy if the insurer elects not to use the short form of provision relative to notice and proof of claim set forth under (a) of this section.

(3) "The insurer, upon receipt of the notice required by this policy, will furnish to the claimant such forms as are usually furnished by it for filing proof of loss. If such forms are not so furnished within fifteen days after the insurer receives such notice, the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting, within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, character and extent of the loss for which claim is made."

(4) "Affirmative proof of loss of time on account of disability for which claim is made must be furnished to the insurer within ninety days after the termination of the period for which claim is made."

(5) "Failure to furnish notice or proof within the time provided in this policy shall not invalidate or reduce any claim if it shall be shown not to have been reasonably possible to furnish such notice or proof and that such notice or proof was furnished as soon as was reasonably possible."

Instructions for Use of Form (b) (5). If this provision is used in combination with the short form of provision under (a), the words "Notice or" shall be omitted.

(6) "Upon request of the insured employee and subject to due proof of loss the accrued benefits will be paid to the insured employee each _____ during any period for which the insurer is liable, and any balance remaining unpaid at the termination of such period will be paid to the insured employee immediately upon receipt of due proof."

Instructions for Use of Form (b)(6). In the blank space there shall be entered either a period of time not greater than one week or a period of time not greater than two weeks together with the phrase "or each week, if the claimant so requests,".

2244.7. Form—Optional Provisions. At the option of the insurer, any U. C. D. policy may contain a provision relative to examination of the person of the insured employee, but any such provision shall be in the following form only or in the substance thereof:

"The insurer shall have the right and opportunity to examine the person of the insured when and so often as it may reasonably require during the pendency of claim hereunder, except where such right is limited by the California Unemployment Insurance Act."

2244.9. At the option of the insurer, any U. C. D. policy may contain a provision relative to the time within which suit may be brought under the policy, but any such provision shall be in the following form only or in the substance thereof:

"No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after proof of loss has been filed in accordance with the requirements of this policy, nor shall such action be brought at all unless brought within two years from the expiration of the time within which proof of loss is required by the policy. This provision does not affect in any way any employee's right to appeal under the California Unemployment Insurance Act."

If the insurer elects to use the short form of alternative required provision relative to notice and proof of claim set forth in (a) of Section 2244.5, and to omit the provision set forth under (b) (4) of Section 2244.5, there shall be substituted for the words "from the expiration of the time within which proof of loss is required by the policy" contained in the provision hereinabove set forth in this section, the words "and ninety days after the termination of the period of disability on which the cause of action is based."

2245. At the option of the insurer, any U. C. D. policy may contain a provision relative to the cancellation or termination of the policy at the instance of the insurer, but any such provision shall

(a) Provide for notice to the employer and such notice to the reduced or eliminated under the C. U. I. Act or the rules and egulationsr mission require.

(b) State when the cancellation or termination of the policy is to become effective.

(c) Provide for the return to the employer of pro rata unearned premium if the cancellation or termination is made effective at other than a premium due date.

2245.1. At the option of the insurer, any U. C. D. policy may contain a provision which limits, reduces or eliminates benefits in the same manner and to the same extent benefits are or may be limited, reduced or eliminated under the C. U. I. Act and the authorized Rules and Regulations of the Commission. Except as provided in this section and

Section 2245.3, no U. C. D. policy shall contain a provision limiting the amount of indemnity to an amount less than that stated in the policy and for which the premium has been paid.

2245.3. At the option of the insurer, any U. C. D. policy may contain a provision relative to the reduction of benefits because of age, but no such provision shall reduce benefits below the amount to which the individual employee insured would be entitled under the C. U. I. Act if he were not covered by a voluntary plan.

2245.5. At the option of the insurer, any U. C. D. policy may contain a facility of payment provision relative to the payment of benefits to persons other than the individual employee insured out of whose disability the insurer's liability for benefit arises, but any such provision shall be in the following form only or in the substance thereof. In the blank space an amount not exceeding $1,000 shall be inserted.

"All benefits shall be paid to the insured employee, except that (in event the insurer determines that he is incompetent or incapable of executing a valid receipt, the insurer may, during his lifetime, unless claim has been made by a duly appointed guardian or committee, pay any amount otherwise payable to the insured employee to the husband or wife or relative by blood of the insured employee, or to any other person or institution determined by the insurer to be equitably entitled thereto; or) in case of the death of the insured employee before all amounts payable under the policy have been paid, the insurer my pay any such amount up to an aggregate of $_____ to any person or institution determined by the insurer to be equitably entitled thereto. Any payment in accordance with this provision shall discharge the obligation of the insurer hereunder to the extent of such payment."

2245.7. Issuance. Policies providing U. C. D. benefits may be issued to any employer or association of employees that may apply for and receive approval of a voluntary plan pursuant to Article 10 of the C. U. I. Act. Such policies may also be issued to the trustee of any association of employers or to any bona fide association of employers or of employees which has a constitution or by-laws, or to a person acting on behalf of any such association, to cover the employees of those members of any such association of employers or those members of any such association of employees, as the case may be, who have authorized such association or person to act on their behalf.

2245.9. Every U. C. D. policy may be issued to cover any person who may be included as an employee under a group disability policy in accordance with Sections 10270.5 or 10270.55 of the Insurance Code, even if not eligible for coverage under the voluntary plan approved by the Commission, if the purpose and scope of the policy is principally to provide U. C. D. benefits and additional benefits for loss of time on account of disability to eligible employees under an approved voluntary plan.

2246. Every insurer shall provide or issue to the employer for delivery to each employee insured under a U. C. D. policy issued by

it, either a statement of coverage which has been approved both as to form and substance by the Commission or an individual certificate setting forth a statement as to the insurance protection afforded him and to whom payable, which has been approved by the Commissioner.

Article 7. Workmen's Compensation Policy Forms

2250. Dividend Clause. No workmen's compensation insurance policy providing for participation in the surplus of the company shall be issued on or after December 1, 1942 unless the dividend clause sets forth in detail the reasons (other than the failure of the company to earn divisible surplus) for which the policyholder may be denied the right to a dividend.

As an example of the proper manner of setting forth such restrictions the following dividend provision of the State Fund is quoted:

"Upon expiration of this Policy and after adjustment of premium as herein stipulated, the Insured shall be entitled to a dividend which shall represent such proportion of any divisible surplus of the Fund as may be provided in the authorized dividend plan in effect and applicable to this Policy, provided, that no dividend shall accrue or become payable hereunder:

"If any part of the premium for this Policy shall remain unpaid after written demand therefor, or in any event for a continuous period of ninety days following date of the Fund's statement therefor mailed to the address of the Insured appearing on the records of the Fund, or

"If the payroll records of the Insured are not available for audit or not in such condition that the actual premium for the Policy Period can be ascertained by payroll audit, or

"If suit is brought by the Fund for an accounting or to enforce collection of any part of the premium for this Policy, and provided that

"In no event shall that part of any dividend accrue or become payable which would operate to reduce the total net premium to be retained by the Fund for this Policy to an amount less than the Minimum Premium."

It should be clearly understood that the Department has quoted from the above policy provisions merely to afford an example to be followed by other carriers in relation to subject matter of this ruling and that there is no intent to limit a ground which will be recognized as legitimate for denial of dividend.

NOTE.—§§2250 and 2251 issued under authority contained in §§11630 to 11742, Insurance Code.

both, together with other indemnities *including* indemnities for loss of life, insert in the blank space "to the employee as they accrue or as stated_____," referring to the location in the policy of Standard Provision 11.

(C) In any policy not providing indemnities for hospitalization, but providing other indemnities including indemnity for loss of life insert in the blank space "as stated_____," referring to the location in the policy of Standard Provision 11.

(3) **If the Insurer Elects to Use Standard Provisions 9 and 10:**

(A) Where no death benefit is provided, insert in the blank space "to the employee as they accrue," *or* insert "as stated_____6," referring to the location in the policy of Standard Provisions 9 and 10.

(B) Where a death benefit is provided, insert in the blank space "as stated_____6," referring to the location in the policy of Standard Provisions 9, 10 and 11.

(4) The insurer has the option of including or omitting the language stated in parentheses concerning the forms, which matter is now covered by Standard Provision 6.

(5) The insurer will have the option of including Standard Provision 7, if it so desires.

(6) The insurer will have the option of including or omitting Standard Provision 8.

(7) The insurer will have the option of including or omitting Standard Provision 14 without reference to any other Standard Provision, except that an insurer omitting Standard Provision 7 must omit Standard Provision 14.

(8) The insurer will have the option of omitting Standard Provision 14 in cases where it uses Standard Provision 7.*†

NOTE.—§§2223 to 2235, inclusive, issued under authority contained in Section 10270.93, Insurance Code.

2224. The standard provisions for group disability insurance are set forth herein in the order of the number of the standard provisions set forth in the Insurance Code for use in individual disability policies, and for purposes of identification and uniform reference they are given the same numbers as the corresponding individual standard provisions.*†

2225. Following each of the standard provisions are instructions for their use. In case no standard provision corresponding to a particular individual standard provision has been promulgated, the instructions indicate the rules with respect to the subject matter of that standard provision which must be conformed to in all group disability master policies.*†

2226. Underlining indicates matter to be omitted under the circumstances specified in the instructions for the use of that particular standard provision, and parenthesis indicates matter to be added under the circumstances specified in such instructions.*†

* For statutory citations, see note to §2223.

† For source citations, see note to §2050.

2227. Wherever the word "insurer" is used, there shall be substituted therefor "company," "corporation," "association," "society" or such other word or words as will properly designate the insurer.*†

2228. Wherever the word "policy" is used, there may be substituted therefor "rider," "endorsement," "contract," or other proper designation of the document embodying the contract between the parties to which the standard provision refers.*†

2229. Wherever the word "employer" is used, there may be substituted therefor "executive officer," "trustee," or other proper designation of the person making application for the master policy for an association.*†

2230. Wherever the word "employee" is used there may be substituted therefor "member" or other proper designation of the individuals insured under a master policy issued to an association.*†

COMPULSORY STANDARD PROVISIONS

2231. Every group disability policy issued in this State shall contain the following standard provisions in the words as hereafter set forth, subject, however, to the "General Instructions and Rules Applicable To All Standard Provisions" above enumerated and the instructions following each standard provision hereinafter set forth.

(a) **Standard Provision 1. Form A.** This policy and the application of the employer constitute the entire contract between the parties.

Form B. This policy, the application of the employer and the individual applications of the employees insured constitute the entire contract between the parties.

Instructions

The insurer shall use Form A in any policy if the insurer is not to take any application from the individuals insured or is not to rely on any such application in defense of claims; otherwise the insurer shall use Form B.

(b) **Standard Provision 2. Form A.** All statements made by the employer shall, in the absence of fraud, be deemed representations and not warranties and no such statement shall (avoid the insurance or reduce the benefits under this policy or) be used in defense of a claim hereunder unless it is contained in a written application.

No agent has authority to change this policy or to waive any of its provisions. No change in this policy shall be valid unless approved by an executive officer of the insurer and such approval be endorsed hereon.

Form B. All statements made by the employer or by any of the employees shall, in the absence of fraud, be deemed representations and not warranties and no such statement shall (avoid the insurance or reduce the benefits under this policy or) be used in defense of a claim hereunder unless it is contained in a written application.

No agent has authority to change this policy or to waive any of its provisions. No change in this policy shall be valid unless approved by an executive officer of the insurer and such approval be endorsed hereon.

* For statutory citations, see note to §2223.
† For source citations, see note to §2050.

Form C. All statements made by the employer shall, in the absence of fraud, be deemed representations and not warranties and no such statement shall (avoid the insurance or reduce the benefits under this policy or) be used in defense of a claim hereunder unless it is contained in a written application.

No agent has authority to change this policy or to waive any of its provisions. No change in this policy shall be valid unless approved by an executive officer of the insurer and evidenced by endorsement hereon, or by amendment thereto signed by the employer and by an executive officer of the insurer.

Form D. All statements made by the employer or by any of the employees shall, in the absence of fraud, be deemed representations and not warranties and no such statement shall (avoid the insurance or reduce the benefits under this policy or) be used in defense of a claim hereunder unless it is contained in a written application.

No agent has authority to change this policy or to waive any of its provisions. No change in this policy shall be valid unless approved by an executive officer of the insurer and evidenced by endorsement hereon, or by amendment thereto signed by the employer and by an executive officer of the insurer.

Instructions

(1) The insurer shall use Form A or, at its option, Form C in any policy if the insurer is not to take any application from the individuals insured, or is not to rely on any such application in defense of claim; otherwise the insurer shall use Form B or, at its option Form D.

(2) The insurer at its option may include the words "avoid the insurance or reduce the benefits under this policy or" in parentheses as a part of this provision.

(c) **Standard Provision 3.**

Instructions

There shall be no provision in a group disability policy relative to reinstatement after lapse because of default in the payment of premium, nor shall there be any provision therein relative to when the insurance coverage becomes effective again after such lapse and reinstatement.

(d) **Standard Provision 4.** Written notice of injury or of sickness upon which claim may be based must be given to the insurer within twenty days of the date of the commencement of the first loss for which benefits arising out of each such injury or sickness may be claimed.

Instructions

(1) The insurer at its option may omit the phrases "or of sickness" and "or sickness" from any policy providing no benefit for sickness.

(2) The insurer at its option may omit the phrases "injury or of" and "injury or" from any policy providing no benefits for bodily injury.

* For statutory citations, see note to §2223.
† For source citations, see note to §2050.

(3) In case a benefit for accidental death is included in the policy the insurer, at its option, may add the following sentence: "In event of accidental death immediate notice thereof must be given to the insurer."

(e) **Standard Provision 5.** Notice given by or in behalf of the claimant to the insurer at _____ or to any authorized agent of the insurer, with particulars sufficient to identify the insured employee, shall be deemed to be notice to the insurer. Failure to furnish notice (or proof) within the time provided in this policy shall not invalidate (nor reduce) any claim if it shall be shown not to have been reasonably possible to furnish such notice (or proof) and that such notice (or proof) was furnished as soon as was reasonably possible.

Instructions

(1) The insurer may omit the first sentence if in the normal course of business it makes all its collections and services group disability accounts through its home office or branch offices and not through life and disability agents, and if it has conspicuously imprinted on the individual certificates (including supplemental certificates) the name of the insurer and the address of its home and branch offices to which notices and proofs may be sent. Otherwise, such first sentence shall be incorporated in the policy.

(2) The insurer at its option may include the words in parenthesis as a part of this provision.

(f) **Standard Provision 6.** The insurer, upon receipt of the notice required by this policy, will furnish to the claimant such forms as are usually furnished by it for filing proof of loss. If such forms are not so furnished within fifteen days after the insurer receives such notice, the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting, within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, character and extent of the loss for which claim is made.

(g) **Standard Provision 7. Form A.**

Affirmative proof of { loss of time on account of disability / hospitalization / hospital confinement }

for which claim is made must be furnished to the insurer within ninety days after the termination of the period for which claim is made.

Form B. Affirmative proof of loss on which claim may be based must be furnished to the insurer not later than ninety days after the date of such loss.

Form C.

Affirmative proof of { loss of time on account of disability / hospitalization / hospital confinement }

for which claim is made must be furnished to the insurer within ninety days after the termination of the period for which claim is made. Affirm-

* For statutory citations, see note to §2223.
† For source citations, see note to §2050.

ative proof of any other loss on which claim may be based must be furnished to the insurer not later than ninety days after the date of such loss.

Instructions

The one of the above forms appropriate to the indemnities provided shall be used. In case Forms A or C are used the insurer shall use the one or more of the alternative terms listed in the brackets which appropriately describe the risk or risks for which the insurer is liable. If more than one of such terms are used, proper connective words shall be used.

(h) **Standard Provision 8.** The insurer shall have the right and opportunity to examine the person of the insured when and so often as it may reasonably require during pendency of claim hereunder, *and also the right and opportunity to make an autopsy in case of death where it is not forbidden by law.*

Instructions

(1) The underlined clause relative to the right of the insurer to make an autopsy in case of death may be omitted from a policy which provides no benefits for accidental loss of life.

(2) The entire provision may be omitted from a policy which provides benefits only for hospitalization or for surgical operations or for both combined.

(3) In lieu of the term, "person of the insured," the insurer may use the term, "person whose injury or sickness is the basis of claim."

(i) **Standard Provisions 9 and 10. Form A.** Upon request of the insured employee and subject to due proof of loss the accrued_____ benefits will be paid to the insured employee each_____during any period for which the insurer is liable, and any balance remaining unpaid at the termination of such period will be paid to the insured employee immediately upon receipt of due proof.

Form B. All benefits provided in this policy will be paid to the insured employee_____after receipt of due proof.

Form C. Upon request of the insured employee and subject to due proof of loss the accrued_____benefits will be paid to the insured employee each_____during any period for which the insurer is liable, and any balance remaining unpaid at the termination of such period will be paid to the insured employee immediately upon receipt of due proof. All other benefits provided in this policy will be paid to the insured employee_____after receipt of due proof.

Form D. All benefits provided in this policy will be paid_____ after receipt of due proof.

Form E. Upon request of the insured employee and subject to due proof of loss the accrued_____benefits will be paid each _____during any period for which the insurer is liable, and any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of due proof. All other benefits provided in this policy will be paid_____after receipt of due proof.

* For statutory citations, see note to §2223.
† For source citations, see note to §2050.

Instructions

(1) In the first blank of Forms A, C and E, the insurer shall insert a word or words properly descriptive of the frequency of the periodical benefits for which the insurer is liable, and the insurer may also insert in such blank a word or words properly identifying the benefits, such as "hospitalization" or "disability." In the second blank of such forms the insurer shall insert a period of time not exceeding sixty days which is consistent with the periodical designation or designations inserted in the first blank.

In the third blank of Forms C and E and the first blank of Forms B and D the insurer shall insert the word "immediately" or appropriate language to designate such period of time, not exceeding sixty days, as it desires.

(2) The insurer shall use the one of the forms above appropriate to the indemnities provided in the policy as follows:

(A) Form A shall be used in any policy which provides indemnities only for loss of time on account of disability or for hospitalization or for both combined.

(B) Form B shall be used in any policy which provides only for indemnities other than for loss of time on account of disability or for hospitalization, but does not provide any indemnity for loss of life.

(C) Form C shall be used in any policy which provides indemnities for loss of time on account of disability, for hospitalization, or for both combined together with other indemnities, but not including any benefit for loss of life.

(D) Form D shall be used in any policy which does not provide indemnities for loss of time on account of disability or for hospitalization but does provide other indemnities including an indemnity for loss of life.

(E) Form E shall be used in any policy which provides indemnities for loss of time on account of disability or for hospitalization or for both combined, together with other indemnities, including an indemnity for loss of life.

(3) In case the policy provides an indemnity for loss of life and Form D or Form E is used pursuant to the above instructions, Standard Provision 11 immediately following shall be used.

(j) **Standard Provision 11.** Benefits for loss of life are payable to the employee's beneficiary, if surviving the insured employee, and otherwise to the estate of the insured employee. All other benefits are payable to the insured employee.

Instructions

(1) The insurer shall omit this entire provision from any policy which provides no benefit for loss of life, but the insurer shall include it in any policy which does provide a benefit for loss of life.

* For statutory citations, see note to §2223.
† For source citations, see note to §2050.

(2) The insurer shall omit the second sentence of this provision from any policy which provides for no benefit other than that for loss of life.

(k) **Standard Provision 12.** There shall be no provision used in group disability policies relative to cancellation of the policy, or the individual insured's coverage thereunder, at the instance of the insured employee upon change of occupation. (This does not apply to customary and otherwise lawful provisions relative to the results of changes in the eligibility or classification of insured employees by reason of changes in their occupation.)

(*l*) **Standard Provision 13. Form A.** Consent of an employee's beneficiary shall not be requisite to any change of beneficiary.

Form B. Consent of an employee's beneficiary shall not be requisite to any change of beneficiary, nor to any change in the policy.

Instructions

The insurer may, at its option, use Form A or Form B, but it may omit this entire provision from a policy providing no benefits for loss of life.

(m) **Standard Provision 14.** No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after proof of loss has been filed in accordance with the requirements of this policy, nor shall such action be brought at all unless brought within two years from the expiration of the time within which proof of loss is required by the policy.

(n) **Standard Provision 15.**

Instructions

For the reason that the time limitations for giving notice of claim and furnishing proof of loss as set forth in the standard provisions are the same as those required or permitted by the general laws of this State, no standard provision incorporating in substance Standard Provision 15 as set forth in the Insurance Code for use in individual disability policies will be required to be used in any group disability policy issued or delivered in this State. However, an insurer may incorporate in any group disability policy a provision relative to the extending of the time limitations of the policy with respect to giving notice of claim or furnishing proof of loss to agree with the minimum of such time limitations as are permitted by the laws of the State in which the policy is issued or delivered.*†

OPTIONAL STANDARD PROVISIONS

2232. Every group disability policy issued or delivered in this State may contain the provision set forth below. If such policy does contain such provision, it shall embody it in the words hereafter set forth for optional Standard Provision 16, subject, however, to the "General Instructions and Rules Applicable to All Standard Provisions" above enumerated. The insurer may at its option omit from the policy such optional standard provision.

* For statutory citations, see note to §2223.
† For source citations, see note to §2050.

None of the optional standard provisions set forth in the Insurance Code for use in individual disability policies except Standard Provision 16 as hereinafter set forth are applicable to group disability insurance. Insofar as they are not applicable because the subject matter of such provisions are not consistent with group disability insurance no provision incorporating such subject matter shall be set forth in any group disability policy. The instructions under the heading for each optional standard provision indicate whether or not, or to what extent the subject matter of each such standard provision as set forth in the Insurance Code for use in individual disability policies may be used in group disability policies.

(a) **Standard Provision 16.** The insurer may cancel this policy at any time by written notice delivered to the employer or mailed to his last address as shown by the records of the insurer, together with cash or the insurer's check to the employer for the unearned portion of the premium actually remitted to the insurer, and such cancellation shall be without prejudice to any claim originating prior thereto.

(b) **Standard Provision 17.**

Instructions

There shall be no provision in any group disability policy limiting the amount of the indemnity to a sum less than the amount stated in the policy and for which the premium has been paid.

(c) **Standard Provision 18.**

Instructions

There shall be no provision in any group disability policy providing for the deduction of any premium or contribution from the amount paid in settlement of claim.

(d) **Standard Provision 19.**

Instructions

There shall be no provision in any group disability policy affecting the amounts of benefits by reason of other insurance by the same insurer.

(e) **Standard Provision 20.**

Instructions

In group disability insurance, provisions relative to age limits of the policy with respect to the coverage of the individuals insured are customarily matters taken care of in the eligibility or benefit clauses of the policy, and since a large variety of situations are covered by such clauses no provision standard for all forms is applicable to such age limits of group disability insurance. Therefore, no form of Standard Provision 20 is promulgated, and insurers may include in group disability policies such provisions relative to the age limits of the policy as they desire.*†

* For statutory citations, see note to §2223.
† For source citations, see note to §2050.

permitted by the laws of the State in which the policy is issued or delivered.

History: 1. Originally published 5-15-46 (Title 3).
2. Amendment filed 12-1-47 (Register 10, No. 5).

OPTIONAL STANDARD PROVISIONS

2232. Every group disability policy issued or delivered in this State may contain the provision set forth below. If such policy does contain such provision, it shall embody it in the words hereafter set forth for optional Standard Provision 16, subject, however, to the "General Instructions and Rules Applicable to All Standard Provisions" above enumerated. The insurer may at its option omit from the policy such optional standard provision.

None of the optional standard provisions set forth in the Insurance Code for use in individual disability policies except Standard Provision 16 as hereinafter set forth are applicable to group disability insurance. Insofar as they are not applicable because the subject matter of such provisions are not consistent with group disability insurance no provision incorporating such subject matter shall be set forth in any group disability policy. The instructions under the heading for each optional standard provision indicate whether or not, or to what extent the subject matter of each such standard provision as set forth in the Insurance Code for use in individual disability policies may be used in group disability policies.

(a) **Standard Provision 16.** The insurer may cancel this policy at any time by written notice delivered to the employer or mailed to his last address as shown by the records of the insurer, together with cash or the insurer's check to the employer for the unearned portion of the premium actually remitted to the insurer, and such cancellation shall be without prejudice to any claim originating prior thereto.

(b) **Standard Provision 17.**

Instructions

There shall be no provision in any group disability policy limiting the amount of the indemnity to a sum less than the amount stated in the policy and for which the premium has been paid.

(c) **Standard Provision 18.**

Instructions

There shall be no provision in any group disability policy providing for the deduction of any premium or contribution from the amount paid in settlement of claim.

(d) **Standard Provision 19.**

Instructions

There shall be no provision in any group disability policy affecting the amounts of benefits by reason of other insurance by the same insurer.

(e) **Standard Provision 20.**

Instructions

In group disability insurance, provisions relative to age limits of the policy with respect to the coverage of the individuals insured are customarily matters taken care of in the eligibility or benefit clauses of the policy, and since a large variety of situations are covered by such clauses no provision standard for all forms is applicable to such age limits of group disability insurance. Therefore, no form of Standard Provision 20 is promulgated, and insurers may include in group disability policies such provisions relative to the age limits of the policy as they desire.

GROUP 3. SEED INSPECTION

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Article 1. Definitions and Construction

910, Agricultural Code. This article shall be known and may be cited as the "California Seed Law."

910.5, Agricultural Code. This article and the terms used herein shall be construed so as to conform in so far as possible with the construction placed upon the Federal Seed Act and regulations issued thereunder, and to effectuate its purpose to make uniform the laws of the States adopting it.

3850. Terms Defined. (a) When used in these Regulations, all terms defined in the Agricultural Code have the meaning therein defined, unless a different meaning is apparent from the context.

(b) In addition, as used in these Rules and Regulations:

(1) "Bureau" means Bureau of Rodent and Weed Control and Seed Inspection of the Department of Agriculture of the State of California.

(2) "Office of the Director" means the office of the Director of Agriculture, Second Floor, State Office Building No. 1, Sacramento 14, California.

(3) "Seed Laboratory" means Federal-State Seed-Testing Laboratory, State Office Building No. 1, Sacramento 14, California.

(4) "Branch Laboratory" means Seed-Testing Laboratory, State Department of Agriculture, 204 State Building, Los Angeles 12, California.

NOTE.—§§3850 to 3904, inclusive, issued under the authority contained in Sections 917.2 and 917.3, Agricultural Code. Source of §§3850 to 3904, inclusive, is the Rules and Regulations issued by the Director of Agriculture.

3851. Agricultural Seeds. The Director finds that the plants and crops listed in Schedule 1 (Section 3899) are or may be grown in California from agricultural seeds. Species marked therein with an asterisk (*) are included as agricultural seeds only as to varieties other than those generally known and sold as flower seeds or vegetable seeds.*†

911, Agricultural Code. "Agricultural seeds," as used in this article, means the seeds of all domesticated grasses and cereals, and of all legumes and other plants grown as turf, cover crops, forage crops, fiber crops, or field crops, and mixtures of such seeds, but does not include varieties which are generally known and sold as flower seeds or vegetable seeds.

3852. Vegetable Seeds. The Director finds that the plants and crops listed in Schedule II (Section 3900) are or may be grown in California from vegetable seeds. Species marked therein with an asterisk (*) are included as vegetable seeds only as to varieties generally known and sold under the name of vegetable seeds.*†

911.1, Agricultural Code. "Vegetable seeds," as used in this article, means the seeds of crops which are or may be grown in gardens or on truck farms and are generally known and sold under the name of vegetable seeds.

3853. Weed Seeds. All seeds not listed in Schedule I (Section 3899) or Schedule II (Section 3900) when occurring incidentally in agricultural seed are classed as weed seeds for the purpose of the label required by Section 912, Agricultural Code, unless labeled and sold as specific constituents of a definite seed mixture.*†

*† For statutory and source citations, see note to §3850.

911.2, Agricultural Code. "Weed seeds," as used in this article, means any and all noxious weed seeds, and any and all seeds not included in the definition of agricultural seeds, when occurring incidentally in agricultural seed.

911.21, Agricultural Code. "Noxious weed" means any species of plant which is or is liable to be detrimental or destructive and difficult to control or eradicate. Noxious weeds are of two classes, primary noxious-weeds and secondary noxious-weeds, which are defined in Sections 911.22 and 911.23, [Agricultural Code] respectively.

911.24, Agricultural Code. All primary and secondary noxious-weeds enumerated in this article or in any regulation promulgated by the director in accordance with the provisions of this article are hereby recognized as noxious within the meaning of the Federal Seed Act.

3854. Primary Noxious-Weeds. The Director finds that the noxious weeds listed in Section 911.22, Agricultural Code, and no others, are primary noxious-weeds.*†

911.22, Agricultural Code. "Primary noxious-weeds," as used in this article, means perennial noxious-weeds such as not only reproduce by seed, but also spread by underground roots or stems, and which, when established, are highly destructive and difficult to control in this State by ordinary good cultural practice. Exception is made for certain of such species which because of wide distribution in the State are classified herein as secondary noxious-weeds.

Primary noxious-weeds include the following:

Austrian fieldcress (Rorippa austriaca).

Blueweed (Helianthus ciliaris).

Camelthorn (Alhagi camelorum).

Canada thistle (Cirsium arvense).

Horsenettle, meaning Carolina horsenettle (Solanum carolinense), and white horsenettle (Solanum elaeagnifolium).

Klamath weed (Hypericum perforatum).

Leafy spurge (Euphorbia Esula).

Perennial gaura, meaning hairy gaura (Gaura villosa), scarlet gaura (Gaura coccinea), scented gaura (Gaura odorata), and wavy-leaf gaura (Gaura sinuata).

Perennial peppercress (Lepidium latifolium).

Perennial sowthistle (Sonchus arvensis).

Quackgrass (Agropyron repens).

Russian knapweed (Centaurea repens).

Whitetop or hoary cress, meaning pepperweed whitetop (Cardaria Draba), and hairy whitetop (Cardaria pubescens).

Any other species which the director, as provided in Section 917.2 [Agricultural Code] finds and declares to be a primary noxious-weed.

3855. Secondary Noxious-Weeds. The Director finds that the noxious weeds listed in Section 911.23, Agricultural Code, and no others, are secondary noxious-weeds.*†

911.23, Agricultural Code. "Secondary noxious-weeds," as used in this article, means all species of noxious weeds not classified as primary noxious-weeds.

Secondary noxious-weeds include the following:

Alkali mallow (Sida hederacea).

Bermuda grass (Cynodon Dactylon), except as provided in Section 911.25 [Agricultural Code].

Dodder, meaning clover dodder (Cuscuta Epithymum), field dodder (C. pentagona), flax dodder (C. Epilinum), big-seed alfalfa dodder (C. indecora), and little-seed alfalfa dodder (C. planiflora).

Johnson grass (Sorghum halepense).

Nutgrass, meaning yellow nutgrass (Cyperus esculentus) and purple nutgrass (Cyperus rotundus).

Poverty weed (Iva axillaris).

Puncture vine (Tribulus terrestris).

Sandbur grass (Cenchrus pauciflorus).

Wild morning glory or European glorybind (Convolvulus arvensis).

Yellow starthistle (Centaurea solstitialis).

*† For statutory and source citations, see note to §3850.

Any other species which the director, as provided in Section 917.2 [Agricultural Code] finds and declares to be a secondary noxious-weed.

3856. Agricultural and Vegetable Seeds Classed as Weed Seeds When Occurring Incidentally in Agricultural Seeds. The Director finds that the plants and crops listed in Schedule III (Section 3901) are detrimental to agriculture when occurring incidentally in other crops, and their seeds are therefore classed as weed seeds except when sold alone or as a specific constituent of a definite seed mixture.*†

911.25, Agricultural Code. Certain seeds shall be classed as weed seeds when occurring incidentally in agricultural seeds and shall be regarded as agricultural or vegetable seeds only when sold alone or as a specific constituent of a definite seed mixture; and shall include, for example, the following:

Bermuda grass (Cynodon Dactylon).
Black medick (Medicago lupulina).
Cardoon (Cynara Cardunculus).
Lupine (Lupinus species).
Mallow (Malva parviflora).
Mustard (Brassica species).
Pigweed (Amaranthus species).
Radish (Raphanus sativus).

Any other agricultural or vegetable seed added to the foregoing list by rules and regulations of the director as provided in Section 917.2 of this code.

Article 2. Labeling

911.3, Agricultural Code. "Labeling," as used in this article, includes all labels, and other written, printed, or graphic representations, in any form whatsoever, accompanying and pertaining to any seed whether in bulk or in containers, and includes invoices.

911.4, Agricultural Code. "Advertisement," as used in this article, means representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this article.

3860. Labeling Agricultural Seeds. (a) **Commonly Accepted Name.** The common names listed in Schedule I (Section 3899) are recognized as "commonly accepted names" for the purpose of the label statement required by Section 912, Agricultural Code. Where more than one common name is recognized for any species, each such name is listed. It is the policy of the Department to recognize as the commonly accepted name any name which is in fact in common usage in California, unless such usage is misleading or confusing. Names or terms that tend to create a false impression as to the history or quality of the seed are construed to be misleading. The preferred name is printed in Roman type, alternative names in *italics*. Names recognized by Standardized Plant Names (1942 Edition) are recognized even when not in common usage in California.

(b) **Approximate Number (**) of Each Kind of Secondary Noxious-Weed Seed.** For the purpose of the label statement required by Section 912, Agricultural Code:

"One seed in each 5 grams" means approximately 90 seeds per pound or 6 seeds per ounce.

"One seed in each 10 grams" means approximately 45 seeds per pound or 3 seeds per ounce.

*† For statutory and source citations, see note to §3850.

(**) For tolerances and methods of determination see Sections 3882 (d) and (f) and 3879.

"One seed in each 25 grams" means approximately 18 seeds per pound.

"One seed in each 100 grams" means approximately 5 seeds per pound.

(c) **Blank Spaces or the Words "Free" or "None"** in the place of a number or a percentage are construed as equivalent to "0" or "0.00%" as the case may be.

(d) **Specimen Labels** are shown in Schedule VI (Section 3904).*†

912, Agricultural Code. Each container of agricultural seed which is sold within this State for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information:

(1) (a) Commonly accepted name, or (b) kind and variety, or (c) kind and type of each agricultural seed component in excess of 5 per cent of the whole, and the percentage by weight of each. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.

(2) Lot number or other lot identification.

(3) Percentage by weight of all weed seeds.

(4) The name and approximate number of each kind of secondary noxious-weed seed, per ounce or per pound in groups (A) and (B) and per pound in groups (C) and (D), when present singly or collectively in excess of:

(A) One seed in each five grams of Agrostis species, Poa species, Rhodes grass, Bermuda grass, timothy, orchard grass, fescues (except meadow fescue), alsike clover, white clover, reed canary grass, Dallis grass, and other agricultural seeds of similar size and weight, or mixtures within this group;

(B) One seed in each ten grams of ryegrass, meadow fescue, foxtail millet, alfalfa, red clover, sweetclover, lespedezas, smooth brome, crimson clover, Brassica species, flax, Agropyron species, and other agricultural seeds of similar size and weight, or mixtures within this group, or of this group with (A);

(C) One seed in each 25 grams of proso, Sudan grass and other agricultural seeds of similar size and weight, or mixtures not specified in (A), (B), or (D);

(D) One seed in each 100 grams of wheat, oats, rye, barley, buckwheat, sorghums (except Sudan grass), vetches, and other agricultural seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group.

All determinations of noxious weed seeds are subject to tolerances and methods of determination prescribed in the rules and regulations under this article.(*)

(5) Percentage by weight of agricultural seeds other than those required to be named on the label.

(6) Percentage by weight of inert matter.

(7) For each named agricultural seed (a) percentage of germination, exclusive of hard seed, (b) percentage of hard seed, if present, and (c) the calendar month and year the test was completed to determine such percentages. Following (a) and (b) the additional statement "total germination and hard seed" may be stated as such, if desired.

(8) Name and address of the person who labeled said seed, or of the person who sells said seed within this State.

3861. Labeling Vegetable Seeds. (a) **Kind.** The common names of the vegetable seeds listed in Schedule II (a) (Section 3900) are recognized as "name of kind" of seed for the purpose of the label statement required by Section 913, Agricultural Code. Where more than one common name is recognized for any species, each such name is listed. The preferred names are printed in Roman type, alternative names in *italics*.

(b) **Variety.** The name of the variety is required to be stated on the label in addition to the name of the kind of seed. If the variety is

*† For statutory and source citations, see note to §3850.
(*) See Section 3879 (b) and Section 3882 (d) and (f).

not known, the label is deemed to be in compliance with this provision if it contains the words "unknown variety."

(c) **Recognized Names.** Names of kinds and varieties in common usage in California are recognized unless such usage is misleading or confusing. Names or terms that tend to create a false impression as to the history or quality of the seed are construed to be misleading.

(d) **Specimen Labels** are shown in Schedule VI (Section 3904).*†

913, Agricultural Code. Each container of vegetable seed which is sold within this State for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information:

(1) Name of kind and variety of seed;

(2) For seeds which germinate less than the standard last established by the director under this article:

(A) Percentage of germination, exclusive of hard seed;

(B) Percentage of hard seed, if present;

(C) The calendar month and year the test was completed to determine such percentages;

(D) The words "Below Standard" in not less than eight-point type; and

(3) Name and address of the person who labeled said seed, or of the person who sells said seed within this State.

3862. Germination Standards. The .standards of germination indicated in Schedule II(b) (Section 3900) are hereby adopted as the germination standards for vegetable seeds for the purpose of the label statements required by Section 913, Agricultural Code.*†

Article 3. Penalties and Exemptions

8, Agricultural Code. Unless a different penalty is expressly provided, a violation of any provision of this code is a misdemeanor.

914, Agricultural Code. It is unlawful to sell any agricultural or vegetable seed within this State:

(1) Unless the test to determine the percentage of germination required by Sections 912 or 913 [Agricultural Code] shall have been completed within a nine-month period exclusive of the calendar month in which the test was completed; except that seed in packages consisting of one pound or less may be sold if the test to determine the percentage of germination was completed within a 15-month period, exclusive of the calendar month in which the test was completed, immediately prior to sale.

(2) Not labeled in accordance with the provisions of this article, or having a false or misleading labeling.

(3) Pertaining to which there has been a false or misleading advertisement.

(4) Containing primary noxious-weed seeds, subject to tolerances and methods of determination prescribed in the rules and regulations under this article.(*)

(5) Represented to be certified seed or registered seed, unless it has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of a seed-certifying agency officially recognized under the provisions of this article, if produced in this State, or under the provisions of the Federal Seed Act and rules and regulations thereunder, if produced outside of this State.

914.5, Agricultural Code. It is unlawful:

(1) To detach, alter, deface, or destroy any label provided for in this article or the rules and regulations made and promulgated thereunder, or to alter or substitute seed, in a manner that may defeat the purposes of this article.

(2) To disseminate any false or misleading advertisement concerning agricultural or vegetable seed in any manner or by any means.

(3) To hinder or obstruct in any way any authorized person in the performance of his duties under this article.

(4) To fail to comply with a "stop-sale" order.

*† For statutory and source citations, see note to §3850.
(*) See Section 3879 (b) and Section 3882 (e).

915, Agricultural Code. The provisions of Sections 912 and 913 [Agricultural Code] do not apply:

(1) To seed or grain not intended for sowing purposes.

(2) To seed in storage in, or consigned to, a seed cleaning or processing establishment for cleaning or processing; provided, that any labeling or other representation which may be made with respect to the unclean seed shall be subject to this article.

(3) To seed weighed and packaged in the presence of the purchaser from a properly and conspicuously labeled bulk container.

915.1, Agricultural Code. Any lot of more than one container of seed when consigned to a wholesaler shall be deemed to comply with the provisions of Sections 912 or 913 [Agricultural Code], notwithstanding the fact that each container does not bear the tag or label required by said sections, if each container is plainly marked with a lot number or other lot identification, and if the invoice and one or more of the containers bears the tag or label required by said sections; but this section shall not be construed to exempt any person from the duty of labeling each container sold to a retailer or consumer.

915.5, Agricultural Code. No person shall be subject to the penalties of this article:

(1) For having sold in this State any agricultural or vegetable seeds which were incorrectly labeled or represented as to kind, variety, or type, which seeds can not be identified by examination thereof, unless he has failed to obtain an invoice or grower's declaration giving commonly accepted name, or kind and variety, or kind and type, and to take such other precautions as may be necessary to insure the identity to be that stated.

(2) As to any matter required by Sections 912 or 913, [Agricultural Code], when such seeds are sold in original unopened sealed packages fully labeled by another dealer, unless he has failed to have such seeds retested and relabeled as to the percentage of germination within the period prescribed by Section 914, [Agricultural Code], or unless he has failed to correct the label after notice that such label has been found to be incorrect.

3867. Seed Certification. (a) **Recognized Seed-certifying Agencies.** The Director, after consultation with the Director of the University of California Agricultural Experiment Station, finds that the following is qualified to certify as to variety, type, strain and other genetic characters of agricultural and vegetable seeds, and it is hereby officially recognized as a seed-certifying agency within the meaning of Section 914, Agricultural Code:

California Crop Improvement Association, a nonprofit corporation incorporated under the laws of the State of California.

(b) **Official Certification.(*)** The provisions of Section 914, Agricultural Code, are construed not to apply to certification by any officer authorized by law to certify to matters of fact respecting agricultural or vegetable seeds; but such certification is not certification by a "seed-certifying agency" within the meaning of Section 914, Agricultural Code, and unless expressly provided by law, (**) does not authorize representation of seed so certificated as "certified seed."*†

3869. "Cleaning or Processing," within the meaning of Section 915, Agricultural Code, is construed to include cleaning, scarifying, or blending to obtain uniform quality, and other operations which would change the purity or germination of the seed and therefore require retesting to determine the quality of the seed; but not to include opera-

(*) See Agricultural Code: Pest condition or pest treatment, Sections 102, 120.5; inspection and release, Sections 122-123.58; freedom from seed of any pest, Sections 154.1-154.2; grade, quality, and conditions, Sections 751, 892-893. Also: Quantity and quality, Section 1152; grade, class and weight, Sections 1232, 1240 Agricultural Code; weight, Bus. Prof. Code Sections 12704, 12708, 12807.

(**) See Agricultural Code: Cottonseed, Sections 931-940; seed potatoes, Sections 961-964.

*† For statutory and source citations, see note to §3850.

tions such as packaging, labeling, blending together of uniform lots of the same kind or variety without cleaning, or the preparation of a mixture without cleaning, any of which would not require retesting to determine the quality of the seed.*†

Article 4. Inspection and Sampling

916, Agricultural Code. The duty of enforcing this article and carrying out its provisions and requirements is vested in the director, and in the commissioner of each county acting under the supervision and direction of the director. It is the duty of such officer to sample, inspect, make analysis of and test agricultural and vegetable seeds transported or sold within this State for sowing purposes, at such time and place and to such extent as he may deem necessary to determine whether said agricultural or vegetable seeds are in compliance with the provisions of this article, and to notify promptly the person who transported or sold the seed of any violation.

For the purpose of carrying out the provisions of this article, such officer is authorized to enter upon any public or private premises during regular business hours in order to have access to seeds subject to this article and the rules and regulations thereunder.

3872. Official Samples. (a) **Official Sample.** A sample of agricultural or vegetable seed drawn by an enforcement officer for the purpose of determining whether the seed is in compliance with the provisions of the California Seed Law is known as an "official sample," and shall be drawn in the manner prescribed by this Regulation so as to represent as nearly as possible the entire lot from which it is taken.

(b) **Label.** No official sample shall be drawn from any lot which does not bear the complete label required by the California Seed Law, nor from any lot which is determined by inspection of the seed or any labeling or advertisement pertinent thereto to be in violation of any provision of said Law. One or more of the original labels attached to the lot shall be removed and forwarded to the Seed Laboratory with each official sample. If the original label is not removable from the package, and the entire package is not taken as a sample, a copy of the label certified by the inspector to be a true copy may be forwarded with the sample in lieu of the original label. In place of the label, the inspector shall affix to each package from which he has removed the label a tag on which the label statements have been copied.

(c) **General Procedure.** (1) In order to secure a representative sample, approximately equal portions shall be taken from fairly evenly distributed parts of the quantity of seed to be sampled. Access shall be had to all parts of that quantity.

(2) For free-flowing seed in bags or bulk, a probe or trier long enough to sample any portion of the bag shall be used.

(3) Non-free-flowing seed, such as certain grass seed, or uncleaned seed, difficult to sample with a probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions.

(4) As the seed is sampled, each portion shall be examined and if there appears to be a lack of uniformity, the portions shall not be combined but shall be retained as separate samples to determine such lack of uniformity as may exist.

(5) When the portions appear to be uniform, they shall be combined to form a composite sample.

*† For statutory and source citations, see note to §3850.

(6) If a sealed package is opened for inspection, the inspector shall reseal the package with a suitable seal indicating the purpose for which the package was opened.

(d) **Bulk.** Bulk seeds shall be sampled by inserting a long probe or thrusting the hand into the bulk, as circumstances require, in at least seven fairly uniformly distributed parts of the quantity being sampled.

(e) **Bags.** (1) In quantities of five bags or less each bag shall be sampled.

(2) In quantities of more than five bags, at least every fifth bag but not less than five bags shall be sampled.

(3) Samples shall be drawn from unopened bags except under circumstances where the identity of the seed has been preserved.

(f) **Packets.** In sampling seed in packets, entire unopened packets shall be taken. A sufficient number of packets shall be taken to contain in the aggregate not less than the quantity specified in paragraph (g) of this section.

(g) **Size of Sample.** The following are minimum weights of samples of seed to be submitted for analysis, test, or examination:

(1) **Agricultural Seed.** (A) Two ounces of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these.

(B) Five ounces of red or crimson clover, alfalfa, rye-grasses, brome-grasses, millet, flax, rape, or seeds of similar size.

(C) One pound of Sudan grass, sorghum, proso, or seeds of similar size.

(D) Two pounds of cereals, vetch, or seeds of similar or larger size.

(2) **Vegetable Seed.** (A) One-eighth ounce of celery, lettuce, onion, cabbage or seeds not larger than these.

(B) One-half ounce of pepper, eggplant or seeds of similar size.

(C) One ounce of spinach, radish, table beet, muskmelon, or seeds of similar size.

(D) Four ounces of asparagus, New Zealand spinach, watermelon or seeds of similar size.

(E) One pound of pea, garden bean, pumpkin, corn or seeds of similar size.

(F) Two and one-half pounds of Lima bean, runner bean, horsebean, or seeds of similar or larger size.

(h) **Forwarding Sample.** The sample shall be thoroughly mixed and divided into two approximately equal parts. Each part shall then be enclosed in an inspection bag, so marked as to identify the sample with the lot sampled. The bags shall be sealed and one left on the premises and the other forwarded to the Seed Laboratory at Sacramento for test.

An "Inspector's Description of Sample" blank fully filled out and accompanied by a label as provided in paragraph (b) of this section shall be sent to the State Seed Laboratory with each official sample.

*† For statutory and source citations, see note to §3850.

(i) **Return of Sample.** Any portion of the sample not used in making the tests shall be returned at the request of the owner and at his expense.*†

3873. Quarantine Samples.(*)

(a) **Quarantine Sample.** A sample of seed submitted for noxious-weed-seed examination by a commissioner or plant quarantine officer is a "quarantine sample."

(b) **Forwarding Sample.** Quarantine samples should be forwarded to the Seed Laboratory at Sacramento, with the following exceptions. Quarantine samples sent in from the counties of Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara and Ventura should be forwarded to the Branch Laboratory at Los Angeles.

3874. Service Samples. (a) **Service Sample.** A sample submitted for testing for the information or benefit of an individual or firm is a "service sample."

(b) **Size of Sample.** The minimum weights of service samples to be submitted for testing shall be the same as for official samples, as specified in Section 3872(g).

(c) **Free Tests.** The maximum number of samples that may be tested free of charge for any one person in any calendar year is hereby fixed at four (4). For the purpose of computing the number of free samples permitted for any one person, a lot of seed submitted for both a purity test and a germination test shall be counted as two samples.

(d) **Mixtures.** No free tests for purity or germination will be made of mixtures of three or more kinds of seeds included in Groups (A) or (B), as classified in Section 912, Agricultural Code.

(e) **Tests for Enforcement Officers.** No free tests for purity or germination of agricultural or vegetable seeds will be made for any enforcement officer, except tests of official samples taken in the course of duty. This Regulation shall not be construed to prohibit an enforcement officer from taking or forwarding service samples for persons entitled to free tests, nor from receiving without charge copies of reports of tests made for persons within his jurisdiction.

(f) **Fees for Testing.** The schedule of charges shown in Schedule IV (Section 3902) is hereby fixed for tests or samples in excess of those tested free of charge. All fees are payable in advance.*†

Article 5. Analysis and Testing

917, Agricultural Code. The director shall maintain a properly equipped laboratory for examining and testing seeds.

3879. Noxious-Weed Seed Examination. (a) **Examination.** Examination of a sample for noxious-weed seeds is the segregation and identification of each kind of noxious-weed seed, reported by name and number found in the sample examined, together with the approximate number per ounce or per pound. If requested, similar information on other weed seeds present will be given.

(*) Quarantine procedure is regulated by Sections 100-125 of the Agricultural Code, and is not a part of the California Seed Law nor of these Rules and Regulations.
*† For statutory and source citations, see note to §3850.

(b) **Weight of Working Sample.** For the determination of the number of noxious-weed seeds per unit weight, the minimum working sample shall not be less than that adopted for enforcement of the Federal Seed Act;(†) but if 30 or more noxious-weed seeds of one species are found in the examination of a smaller quantity, the rate of occurrence of that species may be based on the number found in such smaller quantity, and the occurrence of that species in the remainder of the bulk examined for noxious-weed seeds need not be noted.

3880. Purity Analysis. (a) **Purity analysis.** A purity analysis includes examination for noxious-weed seeds, as defined in Section 3879, and in addition the mechanical separation in the manner herein prescribed, of a relatively small quantity of seed into the following parts, reported as percentage by weight:

(1) Pure seed of the kind being tested.
(2) Inert matter.
(3) Weed seeds.
(4) Other crop seeds.(*)

(b) **Obtaining the Working Sample.** The working sample on which the actual analysis is made shall be taken from the submitted sample in such a manner that it will be representative.

With free-flowing seed, some form of efficient mechanical divider shall be used. With non-free-flowing seed of a character that a mechanical divider can not be used, the sample shall be mixed and placed in a pile and divided into halves. The sample shall be repeatedly divided to the weight to be used for the working sample and weighed as required by subsection (c) of this Regulation.

(c) **Weight of Working Sample.** For the detailed purity analysis the minimum working sample shall be not less than that adopted for enforcement of the Federal Seed Act.(†)

(d) **Separation.** The working sample shall be weighed in grams to four significant figures and then separated into four parts:

(1) Kind, variety or type to be considered pure seed;
(2) Other crop seed;
(3) Weed seeds; and
(4) Inert matter.

Each of these four component parts shall be weighed in grams to the same number of decimal places as the working sample and the percentage by weight of each part (based on the sum of the weights of the component parts and not on the original weight) shall be determined. The sum of the weights of the component parts shall be compared with the original weight of the working sample as a check against loss of material or other error. In the case of other crop seed and weed seed, the seeds of each species shall be separated where possible and the number or weight of each kind determined. The separation of the seed of the kind, variety or type considered pure seed must be on such a basis that the separation can be made definitely by seed characteristics, except that when the sample contains two or more similar kinds of seeds the separation of which in the entire working sample would be very difficult, it is permissible to separate and weigh the similar seeds as a group. From this mixture at

(*) For crop seeds classed as weed seeds when occurring incidentally in agricultural seeds, see Section 3856 and Schedule III (Section 3901).
(†) See Regulation 201.46, Federal Seed Act.

least 400 seeds are to be taken indiscriminately and the separation made on this portion. The proportion of each kind is then determined by weight, and from this, the percentage in the entire sample is calculated.

(e) **Kind, Variety, or Type Considered Pure Seed.** The pure seed shall include all seeds of each kind, variety, or type under consideration present in excess of 5 per cent of the whole, whether shriveled, cracked, or otherwise injured, and pieces of seeds that are larger than one-half of the original size, whether broken, insect-damaged, or diseased.

(f) **Other Crop Seed.** Seeds of plants grown as crops (other than the kind, variety, or type included in the pure seed), each kind, variety, or type of which is present in a proportion to the whole of 5 per cent or less, whether shriveled, cracked, or otherwise injured, and pieces of seeds larger than one-half of the original size, whether broken, insect-damaged, or diseased, shall be considered other crop seeds unless recognized as weed seeds.(*)

(g) **Weed Seed.(**)** Undeveloped or badly injured weed seeds, including noxious-weed seeds, as described under inert matter shall be considered inert matter and not weed seed. When seeds of *Juncus* spp. are present and would not add more than 0.1 per cent to the percentage of weed seed, they need not be separated but may be included with the inert matter.

(h) **Inert Matter.** Inert matter shall include seedlike structures from both crop and weed plants and other matter not seeds as follows:

(1) **Seedlike Structures From Crop Plants.** Pieces of seeds one-half the original size or less, whether broken, insect-damaged, or diseased; seeds of legumes and crucifers with the seed coats entirely removed; empty glumes and sterile florets of grasses; attached sterile florets of grasses (which must be removed from the fertile florets except in bluegrasses, Rhodes grass, bluestems, and gramas).

(2) **Seedlike Structures From Weed Plants.** All badly injured undeveloped, or empty structures which resemble seeds but which by visual examination (including dissection or the use of reflected light) can be easily demonstrated as having no embryo or having only a rudimentary embryo or having an embryo that has been destroyed by a disease organism. Included as inert matter are structures from weed plants as follows:

(A) Seeds of grasses with over half the embryo removed;

(B) "Seeds" of dodder which are usually fragile, ashen gray to brown in color and somewhat enlarged;

(C) Ragweed seed with both the involucre and pericarp absent;

(D) Shriveled, blackened seeds of buckhorn;

(E) Empty seeds or fruits such as occur in the sedge, buckwheat, morning-glory, and sunflower families;

(F) Empty glumes and sterile florets of grasses;

(G) Seeds of legumes and species of *Brassica* with the seed coats entirely removed;

(*) For crop seeds classed as weed seeds when occurring incidentally in agricultural seeds, see Section 3856 and Schedule III (Section 3901).
(**) For definition of weed seeds, see Section 3853.

(H) Bulblets of wild onion and garlic with the basal or stem end portion removed; and

(I) Seeds of **Juncus** spp. when not in excess of 0.1 per cent.

(3) **Other Matter.** Soil, sand, stones, chaff, stems, leaves, nematode galls, and fungus bodies (such as ergot and other sclerotia and smut balls).*†

3881. Germination Tests. (a) **Germination Test.** A germination test is the determination, by the methods herein prescribed, of the percentage of seeds capable of producing normal seedlings under ordinarily favorable conditions, not including seeds which produce weak, malformed, or obviously abnormal sprouts.

(b) **Source of Seed for Germination.**

(1) When both purity and germination tests are required, seeds for germination shall be taken from the separation of the kind, variety, or type considered pure seed and shall be counted without discrimination as to size or appearance.

(2) When only a germination test is required and the pure seed is estimated or determined to be at least 98 per cent, the pure seed for the germination test may be taken indiscriminately from a representative portion of the bulk.

(3) When only a germination test is required and the pure seed is found to be less than 98 per cent, the pure seed shall be taken indiscriminately from a pure seed separation made according to the provisions of these rules and regulations which govern the separation of the kind, variety, or type considered pure seed except that other crop seeds, inert matter, and weed seeds need not be separated.

(c) **Number of Seeds for Germination.** At least 400 seeds shall be tested for germination. These seeds shall be tested in separate tests of 100 seeds or less.

(d) **Retests.** Retests shall be made if there is a difference of 10 per cent between any two of the separate 100 seeds tested when the average of the tests is 80 per cent or above, and if there is a difference of 15 per cent when the average is below 80 per cent; otherwise, the average of the tests shall be considered the result of the test.

(e) **Interpretation.** A seed shall be considered to have germinated when it has developed into a normal seedling. Broken seedlings and weak, malformed, and obviously abnormal seedlings shall not be considered to have germinated.

(f) **Hard Seeds.** Seeds which remain hard at the end of the prescribed test because they have not absorbed water, due to an impermeable seed coat, are to be counted as "hard seed."

If at the end of the germination period provided for legumes, okra, and asparagus in these rules and regulations there are still present swollen seeds or seeds of these kinds which have just started to germinate, all seeds or seedlings except the above-stated shall be removed and the test continued for five additional days and the normal seedlings included in the percentage of germination.

*† For statutory and source citations, see note to §3850.

(g) **Methods of Testing.** The methods of testing for germination shall be as nearly as practicable those adopted for the enforcement of the Federal Seed Act.*†

3882. Tolerances. (a) **Application.** The tolerances defined by this Regulation are hereby adopted to be applied in all enforcement procedure required by the California Seed Law and shall be recognized between the percentages or rates of occurrence found by analysis, test, or examination, and percentages or rates of occurrence required or stated as required by the California Seed Law.

(b) **Purity Percentages.** In the determination of the tolerance for the percentage of the distinguishable kind, type, or variety (pure seed, weed seeds, other crop seeds, and inert matter), the sample shall be first considered as made up of two parts:

a = The percentage of the component (pure seed, weed seed, crop seed, or inert matter as the case may be) being considered, and

b = The difference between that percentage and 100.

The number represented by a is then multiplied by the number represented by b and the product is divided by 100. The resulting number is then multiplied by 0.2 ($\frac{2}{10}$) and the resulting product added to 0.2 or 0.6 as indicated in the following formulae:

$$\text{Pure seed tolerance} = 0.6 + \left(0.2 \times \frac{a \times b}{100}\right)$$

$$\text{Weed seeds, other crop seeds and inert matter tolerance} = 0.2 + \left(0.2 \times \frac{a \times b}{100}\right)$$

For *Poa* spp., *Agrostis* spp., *Festuca* spp., bromegrasses, crested wheatgrass, orchard grass, velvet grass, tall oatgrass, meadow foxtail, sweet vernal grass, Rhodes grass, Dallis grass, carpet grass, Bermuda grass, Guinea grass, molasses grass, and Vasey grass, and mixtures containing these seeds singly or combined in excess of 50 per cent, an additional tolerance shall be allowed. This is to be obtained by adding to the regular tolerance mentioned above the product obtained by multiplying the regular tolerance by the lesser of a and b divided by 100.

(c) **Germination.** The following tolerances are applicable to the percentage of germination and also to the sum of the germination plus the hard seed:

Found by test:	Tolerance
96 or over	5
90 or over but less than 96	6
80 or over but less than 90	7
70 or over but less than 80	8
60 or over but less than 70	9
Less than 60	10

(d) **Noxious-Weed Seeds.** The tolerances shown in Schedule V, (Section 3903), are hereby adopted to be applied to the number of noxious-weed seeds found by analysis in the quantity of seed specified for noxious-weed seed determinations in Section 3879(b). Representations

*† For statutory and source citations, see note to §3850.

showing the rate of occurrence indicated in Column B will be considered within the tolerance if no more than the accompanying number in Column A are found by analysis.

(e) **Primary Noxious-Weed Seeds.** No prosecution shall be maintained under provision (4) of Section 914, Agricultural Code, for the sale of agricultural or vegetable seed containing primary noxious-weed seed if no more than two primary noxious-weed seeds are found by analysis in the quantity of seed provided for in paragraph (b) of Section 3879, for noxious-weed seed determinations.

(f) **Secondary Noxious-Weed Seeds.** No prosecution shall be maintained under provision (2) of Section 914, Agricultural Code, for the sale of agricultural seeds not labeled with the name and approximate number of secondary noxious-weed seeds, in accordance with provision (1) of Section 912, Agricultural Code, if the number of secondary noxious-weed seeds found by analysis, singly or collectively, in the quantity of seed provided for in paragraph (b) of Section 3879, for noxious-weed seed determinations:

(1) Does not exceed two, when represented to be "none" or "____."

(2) Does not exceed the number shown in Column A of Schedule V (Section 3903) when the rate of occurrence is represented to be the accompanying number shown in Column B.*†

Article 6. Enforcement and Administrative Procedure

3887. Hearings. (a) **Hearing Officer.** In matters in which a hearing is required by the California Seed Law, the Director or the Commissioner before whom the hearing is called may preside in person or by any person authorized by him in writing.

(b) **Public Hearings.** If the matter to be heard affects all persons of a class, the hearing shall be public, and any person shall have the right to attend and be heard in the matter.

(c) **Private Hearings.** If the matter to be heard affects one or more persons as individuals only, the hearing shall be private, and no person shall be admitted except the parties, their agents, witnesses and counsel, and such other persons as the parties may agree to admit.

(d) **Record.** Minute entries shall be kept of the proceedings, which, together with all exhibits, briefs and statements filed at or pursuant to the hearing, comprise the record. If a transcript of testimony is made, it shall be filed with and become a part of the record. All documents comprising the record shall be filed in triplicate.

The record shall be kept by an agent of the Director or Commissioner who called the hearing; or, upon the demand of either party, by a court reporter, whose compensation shall be paid by the party demanding his services.

(e) **Briefs.** Any person desiring to file briefs or statements of fact pursuant to the hearing may so notify the presiding officer at the hearing, who shall allow a reasonable time within which such briefs or statements may be filed. All such briefs and statements, when filed in triplicate in the office of the Director within the time allowed by the hearing officer shall become a part of the record.

*† For statutory and source citations, see note to §3850.

(f) **Procedure.** (1) The hearing officer, if a person other than the Director or the Commissioner, shall file with the record triplicate copies of his authorization to conduct the proceedings.

(2) There shall also be filed with the record three copies of the demand or order pursuant to which the hearing was called, and of the notice of hearing, together with proof of service or publication.

(3) The hearing officer shall then proceed to hear all parties in an orderly manner. Jury-trial rules of evidence need not be observed, but irrelevant or immaterial matters may be excluded. Every person before testifying shall first be sworn. Statements not made under oath shall not become a part of the record.

(4) Any person, upon recognition by the hearing officer, may question any witness upon any matter within the scope of the hearing.

(5) If additional time is required for the presentation of essential facts, the hearing officer, in his discretion, may continue the hearing to a later date.*†

3888. Procedure Under "Stop-Sale" Order. (a) **Form.** The "stop-sale" order shall be in the form provided for the purpose by the Bureau.

(b) **Proof of Service.** Within five days after service of any "stop-sale" order, the person making the service shall forward to the Director a copy of the order together with an acknowledgment of service signed by the person served, or an affidavit stating the time and place of service upon the person named in the order.

(c) **Release.** Upon notification that the law has been complied with, the Commissioner or the Director shall examine the evidence of compliance, and if satisfied that the law has been complied with, shall immediately cause the "stop-sale" order to be removed.

(d) **Seizure.** If the "stop-sale" order has not been complied with within a reasonable time after service, the lot of seed described in the order shall be seized and an action brought condemning the same, as provided in Section 919, Agricultural Code.

(e) **Demand for Hearing.** Demand for hearing as to justification of a "stop-sale" order shall be in writing and shall be filed with the Director or Commissioner who issued the order. Such demand may be filed at any time before the "stop-sale" order is removed.

(f) **Notice of Hearing.** Within five days after receipt of a demand for a hearing as to the justification of a "stop-sale" order, the Director or the Commissioner upon whom demand has been made shall fix a time and place for such hearing, and shall mail notice thereof to the person making the demand.

(g) **Hearing.** Hearings as to justification of "stop-sale" orders shall be private and shall be conducted in the manner prescribed by Section 3887.

(h) **Record.** The original record of the proceedings shall be filed in the office of the Director; one copy shall be filed in the office of the Com-

*† For statutory and source citations, see note to §3850.

missioner, if the hearing was called by a Commissioner; and one copy shall be mailed to the person on whose demand the hearing was called.

(i) **Findings.** If the hearing officer, upon the facts shown at the hearing, finds that the "stop-sale" order is justified, he shall make an order dismissing the proceedings. If he finds that the "stop-sale" order is not justified, he shall cause the "stop-sale" order to be removed forthwith.

(j) **Appeal.** Appeals shall be made in writing and filed in the office of the Director. Hearings on appeal shall be conducted in like manner and with like effect as hearings on the original cause.*†

916.5, Agricultural Code. The director or the commissioner may issue and enforce a written or printed "stop-sale" order to the owner or custodian of any lot of agricultural or vegetable seed which he finds is in violation of any of the provisions of this article, which shall prohibit further sale of such seed until such officer has evidence that the law has been complied with and upon compliance such order shall be removed. The owner or custodian of such seeds upon demand shall have the right to a hearing before the director or the commissioner as to the justification of any such order, and may appeal to the director from any order of the commissioner made under the provisions of this section. The provisions of this section shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this article. Any decision of the director in accordance with this section is subject to review by any court of competent jurisdiction.

3889. Procedure on Promulgation of Rules and Regulations. (a) **Publication.** Copies of proposed Rules and Regulations, in addition to the publication required by Section 917.5, Agricultural Code, shall be mailed to all Commissioners, and shall be placed on file in the offices of the Bureau at Sacramento and Los Angeles for inspection during usual office hours by all persons interested.

(b) **Request for Notice of Hearing.** Requests for notices of hearings shall be filed in the office of the Director on forms supplied by the Bureau.

(c) **Notice of Hearing.** In addition to the notice required by Section 917.5, Agricultural Code, notices of hearings shall be mailed to all Commissioners, and shall be posted in the offices of the Bureau at Sacramento and Los Angeles, not less than 10 days prior to the date of the hearing.

(d) **Hearing.** Hearings on proposed Rules and Regulations shall be public, and shall be conducted in the manner prescribed by Section 3887.

(e) **Record.** The original record of the proceedings shall be filed in the office of the Director, and copies shall be placed on file in the offices of the Bureau at Sacramento and Los Angeles for inspection during usual office hours by all persons interested.

(f) **Findings.** Findings shall be made in writing, in triplicate, and filed with the record.

(g) **Notice of Adoption.** If upon the findings the proposed Rules and Regulations are affirmed or modified, a copy of the Rules and Regulations as adopted shall be mailed to all persons entitled to receive notice of hearings, and to any other person upon request.

(h) **Filing.** An original and two duplicate copies of the Rules and Regulations as adopted shall be filed with the Secretary of State.(*)

*† For statutory and source citations, see note to §3850.
(*) See Section 11381, Government Code.

(i) **Notice of Rescission.** If upon the findings the proposed Rules and Regulations are rescinded, notice of rescission shall be published in the same manner as notice of hearing.*†

917.1, Agricultural Code. The director may cooperate with the United States Department of Agriculture and other agencies in the enforcement of this article.

917.2, Agricultural Code. The director, in rules and regulations promulgated as provided in Section 917.5 [Agricultural Code], from time to time may publish in a bulletin of the Department of Agriculture:

(a) A list of the plants and crops which he finds are or may be grown in this State from agricultural and vegetable seeds.[1]

(b) A list of the plants and crops which he finds are detrimental to agriculture when occurring incidentally in other crops, and which therefore are classed as weed seeds except when sold alone or as a specific constituent of a definite seed mixture.[2]

(c) A list of noxious-weeds which he finds are primary noxious-weeds, as defined in this article.[3]

(d) A list of those noxious weeds which are not classified as primary noxious-weeds, and which therefore are classed by this article as secondary noxious-weeds.[4]

(e) A list of seed-certifying agencies which he finds qualified to certify as to the variety, purity, quality, or other matter of agricultural or vegetable seeds. The director shall consult with the director of the University of California Agricultural Experiment Station before approving the qualifications of any agency to certify as to variety, type, strain or other genetic character of agricultural or vegetable seeds.[5]

917.3, Agricultural Code. The director, by rules and regulations promulgated as provided in Section 917.5 [Agricultural Code], shall:

(a) Adopt germination standards for vegetable seeds.[6]

(b) Adopt tolerances to be applied in all enforcement procedure required by this article.[7]

(c) Prescribe methods of procedure in the examination of lots of agricultural and vegetable seeds,[8] and in securing samples thereof.[9]

(d) Fix the maximum number of samples that may be tested free of charge for any one person in any period of time.[10]

(e) Fix a schedule of charges for tests or samples in excess of those tested free of charge.[11]

(f) Adopt a procedure for hearings to show cause why complaint should not be filed for alleged violation of any provision of this article.[12]

(g) Issue such other orders, schedules, and announcements as will assist in carrying out the purposes of this article.

917.4, Agricultural Code. All standards and tolerances promulgated hereunder shall be as nearly as practicable like those established under the Federal Seed Act.

917.5, Agricultural Code. All rules and regulations issued under the provisions of this article shall be published in a bulletin of the Department of Agriculture not less than 30 days before the date on which they are to become effective, together with a notice of the time and place for hearing objections. Such hearing shall be not less than 10 nor more than 20 days from the date of publication. Notice of hearing shall be mailed not less than 10 days prior to the date of the hearing to all persons who theretofore have filed with the director a request for notice of such hearings. If at the hearing it shall be developed by competent testimony that additional time will be required to produce further essential evidence, the director shall continue the hearing to a date which will allow sufficient time for the production of such evidence. At the hearing, interested parties shall be heard and a record kept of the proceedings for determination by the director of the facts shown at the hearing.

[1] Sections 3851, 3852 [Administrative Code].
[2] Sections 3853, 3856.
[3] Section 3854.
[4] Section 3855.
[5] Section 3867.
[6] Section 3862.
[7] Section 3882.
[8] Sections 3879, 3880, 3881.
[9] Section 3872.
[10] Section 3874(c).
[11] Section 3874(f).
[12] Section 3894.
*† For statutory and source citations, see note to §3850.

917.6, Agricultural Code. The director, upon his findings on the facts shown at the hearing, shall rescind, modify or affirm the rules and regulations as published; and such rules and regulations, unless rescinded or postponed by the director, shall take effect on the date appointed therefor.

3894. Procedure to Show Cause Why Complaint Should Not Be Filed. (a) **Order to Show Cause.** Before filing a complaint alleging violation of any provision of the California Seed Law, the Director or the Commissioner of the county in which the violation is alleged to have occurred shall issue an order directing the person charged with such violation to appear at the time and place fixed in said order and show cause why prosecution should not be instituted. Such order shall state the nature, time and place of the alleged violation, and shall be served upon or mailed to the defendant not less than 10 days prior to the date fixed for the hearing.

(b) **Hearing.** Hearings to show cause why prosecution should not be instituted shall be private and shall be conducted in the manner prescribed by Section 3887.

(c) **Record.** The original record of the proceedings shall be filed in the office of the Director; one copy shall be filed in the office of the Commissioner, if the hearing was called by a Commissioner; and one copy shall be mailed to the party defendant.

(d) **Findings.** If in his opinion the evidence does not warrant prosecution, the hearing officer shall order the proceedings dismissed.

If an order is made to institute prosecution, the complaint shall not be filed sooner than 10 days after notice to the defendant of such order, unless time is waived in writing by the defendant.

The order may be made orally in the presence of the defendant, his agent or counsel; or it may be made in writing and mailed to the defendant.

(e) **Appeal.** Appeals shall be made in writing and filed in the office of the Director. Hearings on appeal shall be conducted in like manner and with like effect as hearings on the original cause. Pending decision on appeal, filing of the complaint shall be postponed.*†

918, Agricultural Code. When the director or the commissioner shall find that any person has violated any of the provisions of this article, he may institute proceedings in the court of competent jurisdiction in the area in which the violation occurred, to have such person convicted therefor, or he may file with the district attorney with the view of prosecution such evidence as may be deemed necessary; provided, that no prosecution under this article shall be instituted by the director or the commissioner without first having given the defendant an opportunity to appear at a hearing to introduce evidence either in person or by agent or attorney. If, after such hearing, or without such hearing in case the defendant fails or refuses to appear, the director or the commissioner is of the opinion that the evidence warrants prosecution, he shall order proceedings to be instituted as herein provided. The defendant, at any time prior to the filing of the complaint, may appeal to the director from any order of the commissioner made under the provisions of this section.

919, Agricultural Code. Any lot of agricultural or vegetable seed not in compliance with the provisions of this article is a public nuisance and shall be subject to seizure on complaint of the director or the commissioner to a court of competent jurisdiction in the area in which the seed is located.

The district attorney of the county in which any such nuisance is found, on the relation of the director or the commissioner, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or relabeled, denatured, or otherwise processed,

*† For statutory and source citations, see note to §3850.

or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated.

If the owner fails to comply with the order of the court within the time specified therein, the court may order disposal of the seed and containers, or the sale thereof, under such terms and conditions as the court may prescribe, by the director or the commissioner, or by the sheriff, marshal, or constable; and in the event the court orders the sale of any of the seed and containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to two thousand dollars ($2,000) or less; justices' courts of Class A shall have original jurisdiction where the value amounts to one thousand dollars ($1,000) or less; and justices' courts of Class B shall have jurisdiction where the value amounts to three hundred dollars ($300) or less.

Article 7. Schedules Re Seeds

3899. Schedule I. Agricultural Seeds.(*)

(a) Domesticated Grasses and Cereals

Common Name	*Botanical Name*
Bahia grass	*Paspalum notatum* Fluegge
Barley	*Hordeum* spp.
Bent: Bentgrass	
Bentgrass	
Astoria bentgrass	*Agrostis tenuis* Sibth. var.
Colonial bentgrass	*A. tenuis* Sibth.
Creeping bentgrass	*A. palustris* Huds.
Highland bentgrass	*A. tenuis* Sibth. var.
Rhode Island bentgrass	*A. tenuis* Sibth. (strain)
Seaside bentgrass	*A. palustris* Huds. (strain)
Velvet bentgrass	*A. canina* L.
Bermuda grass	*Cynodon Dactylon* (L.) Pers.
Bluegrass	
Annual bluegrass	*Poa annua* L.
Bulbous bluegrass	*P. bulbosa* L.
Canada bluegrass	*P. compressa* L.
Kentucky bluegrass	*P. pratensis* L.
Nevada bluegrass	*P. nevadensis* Vasey
Roughstalk bluegrass	*P. trivialis* L.
Texas bluegrass	*P. arachnifera* Torr.
Winter bluegrass: Bulbous bluegrass	
Wood bluegrass	*P. nemoralis* L.
Bluestem	
Big bluestem	*Andropogon furcatus* Muhl.
Little bluestem	*A. scoparius* Michx.
Sand bluestem	*A. Hallii* Hack.
Bluestem wheatgrass: see Wheatgrass	
Broomcorn: see Sorghum	
Broomcorn millet: Proso	
Brome	
Australian brome	*Bromus arenarius* Labill.
Chess brome	*B. secalinus* L.
Mountain brome	*B. marginatus* Nees (*B. carinatus* Hook. & Arn.)
Rescue brome	*B. catharticus* Vahl
Smooth brome	*B. inermis* Leyss.
Buffalo grass	*Buchloë dactyloides* (Nutt.) Engl.
Canary grass	*Phalaris canariensis* L.
Reed canary grass	*P. arundinacea* L.
Cane: Sorgo (Sorghum)	

(*) Species marked with asterisk through Schedule I are included as agricultural seeds only as to varieties other than those generally known and sold as flower seeds or vegetable seeds. See Section 3851.

Common Name	*Botanical Name*
Carpet grass	*Axonopus compressus* (Swartz) Beauv.
Cheat: Chess brome	
Chess: see Brome	
Corn (*)	*Zea Mays* L.
Field corn	*Z. Mays* L. var.
Popcorn	*Z. Mays* L. var. *everta* Sturtev.
see also:	
Broomcorn (Sorghum)	
Egyptian corn: Durra (Sorghum)	
Kafir corn: Kafir (Sorghum)	
Dallis grass	*Paspalum dilatatum* Poir.
Dogtail	
Crested dogtail	*Cynosurus cristatus* L.
Dropseed	
Sand dropseed	*Sporobolus cryptandrus* (Torr.) A. Gray
Durra: see Sorghum	
Emmer	*Triticum dicoccum* Schrank
Fescue	
Chewings fescue	*Festuca rubra* L. var. *commutata* Gaud.
Creeping fescue: Red fescue	
Meadow fescue	*F. elatior* L.
Red fescue	*F. rubra* L.
Reed fescue	*F. elatior* L. var. *arundinacea* (Schreb.) Wimm.
Sheep fescue	*F. ovina* L.
Feterita: see Sorghum	
Foxtail	
Meadow foxtail	*Alopecurus pratensis* L.
Foxtail millet: see Millet	
Grama	
Blue grama	*Bouteloua gracilis* (H.B.K.) Lag.
Side-oats grama	*B. curtipendula* (Michx.) Torr.
Guinea grass	*Panicum maximum* Jacq.
Harding grass	*Phalaris tuberosa* L. var. *stenoptera* (Hack.) Hitchc.
Indian grass	*Sorghastrum nutans* (L.) Nash
Hegari: see Sorghum	
Kafir: see Sorghum	
Kaoliang: see Sorghum	
Lovegrass	
Weeping lovegrass	*Eragrostis curvula* (Schrad.) Nees
Maize: Corn	
Milo maize: Milo (Sorghum)	
Millet	
African millet: Ragi millet	
Broomcorn millet: Proso	
Browntop millet	*Panicum fasciculatum* Swartz
Foxtail millet	*Setaria italica* (L.) Beauv.
German millet: Foxtail millet	
Golden millet: Foxtail millet	
Hog millet: Proso	
Hungarian millet: Foxtail millet	
Japanese millet	*Echinochloa Crusgalli* (L.) Beauv. var. *frumentacea* (Roxb.) Wight
Pearl millet	*Pennisetum glaucum* (L.) R. Br.
Ragi millet	*Eleusine coracana* (L.) Gaertn.
Siberian millet: Foxtail millet	
Milo: see Sorghum	
Molasses grass	*Melinis minutiflora* Beauv.
Napier grass	*Pennisetum purpureum* Schum.
Natal grass	*Tricholaena rosea* Nees

(*) Species marked with asterisk through Schedule I are included as agricultural seeds only as to varieties other than those generally known and sold as flower seeds or vegetable seeds. See Section 3851.

Common Name	*Botanical Name*
Oatgrass	
Tall oatgrass	*Arrhenatherum elatius* (L.) Mert. & Koch
Oats	*Avena* spp.
Orchard grass	*Dactylis glomerata* L.
Panicgrass	
Giant panicgrass	*Panicum antidotale* Retz.
Popcorn : see Corn	
Proso	*Panicum miliaceum* L.
Redtop	*Agrostis alba* L.
Rescue grass : see Brome	
Rhodes grass	*Chloris Gayana* Kunth
Rice	*Oryza sativa* L.
see also :	
Wildrice	
Ricegrass	
Indian ricegrass	*Oryzopsis hymenoides* (Roem. & Schult.) Ricker
Rye	*Secale cereale* L.
Ryegrass	*Lolium* spp.
English ryegrass : Perennial ryegrass	
Italian ryegrass	*L. multiflorum* Lam.
Perennial ryegrass	*L. perenne* L.
Shallu : see Sorghum	
Smilo grass	*Oryzopsis miliacea* (L.) Benth. & Hook.
Sorgho : see Sorghum	
Sorghum	*Sorghum vulgare* Pers. and vars.
Broomcorn	
Cane : Sorgho	
Durra	
Feterita	
Hegari	
Kafir	
Kaoliang	
Milo	
Shallu	
Sorgho	
Sorgo : Sorgho	
Sorgo : Sorgho (Sorghum)	
Spelt	*Triticum Spelta* L.
Sudan grass	*Sorghum vulgare* Pers. var. *sudanense* (Piper) Hitchc.
Sweet Sudan grass	*Sorghum vulgare* Pers. var.
Switchgrass	*Panicum virgatum* L.
Teosinte	*Euchlaena mexicana* Schrad.
Timothy	*Phleum pratense* L.
Vasey grass	*Paspalum Urvillei* Steud.
Velvet grass	*Holcus lanatus* L.
Vernalgrass	
Annual vernalgrass	*Anthoxanthum aristatum* Boiss.
Sweet vernalgrass	*A. odoratum* L.
Wheat	*Triticum* spp.
Wheatgrass	
Bluestem wheatgrass	*Agropyron Smithii* Rydb.
Crested wheatgrass	*A. cristatum* (L.) Beauv.
Slender wheatgrass	*A. pauciflorum* (Schwein.) Hitchc.
Wildrice	*Zizania* spp.
Southern wildrice	*Zizaniopsis miliacea* (Michx.) Doell and Aschers.
Wildrye	
Canada wildrye	*Elymus canadensis* L.

(*) Species marked with asterisk through Schedule I are included as agricultural seeds only as to varieties other than those generally known and sold as flower seeds or vegetable seeds. See Section 3851.

(b) Legumes and Other Plants Grown as Turf, Cover Crops, Forage Crops, Fiber Crops or Field Crops

Common Name	*Botanical Name*
Alfalfa	*Medicago sativa* L.
Alfilaria: Filaree	
Alyse	*Alysicarpus vaginalis* DC.
Amaranth	*Amaranthus* spp.
Bean (*)	
Adsuki bean	*Phaseolus angularis* Wight
Blackeye bean: Cowpea	
Broad bean: Horsebean	
Garbanzo bean: Chickpea	
Kidney bean	*P. vulgaris* L.
Lima bean	*P. lunatus* L.
Mat bean	*P. aconitifolius* Jacq.
Moth bean: Mat bean	
Mung bean	*P. aureus* Roxb.
Rice bean	*P. calcaratus* Roxb.
Tepary bean	*P. acutifolius* A. Gray var. *latifolius* Freem.
Windsor bean: Horsebean	
see also:	
Horsebean	
Soybean	
Velvetbean	
Beet (*)	*Beta vulgaris* L.
Sugar beet	*B. vulgaris* L. var.
Buckwheat	
Common buckwheat	*Fagopyrum esculentum* Moench
Tartary buckwheat	*F. tataricum* Gaertn.
Burclover	*Medicago hispida* Gaertn.
Spotted burclover	*M. arabica* (L.) All.
Burnet	
Small burnet	*Sanguisorba minor* Scop.
Carrot (*)	*Daucus Carota* L.
Charlock	*Brassica arvensis* (L.) Rabenh. (*B. Kaber* (DC.) L. C. Wheeler)
Chickpea	*Cicer arietinum* L.
Citron (*)	*Citrullus vulgaris* Schrad.
Clover	
Alsike clover	*Trifolium hybridum* L.
Alyse clover: Alyse	
Berseem clover: Egyptian clover	
Cluster clover	*T. glomeratum* L.
Crimson clover	*T. incarnatum* L.
Egyptian clover	*T. alexandrinum* L.
Hop clover	
Large hop clover: Low hop clover	
Least hop clover: Suckling clover	
Low hop clover	*T. procumbens* L.
Hubam clover: Hubam sweetclover	
Japan clover: Lespedeza	
Ladino clover	*T. repens* L. var.
Lappa clover	*T. lappaceum* L.
Persian clover	*T. resupinatum* L.
Red clover	*T. pratense* L.
Sour clover: Annual yellow sweetclover	
Strawberry clover	*T. fragiferum* L.
Subterranean clover	*T. subterraneum* L.
Suckling clover	*T. dubium* Sibth.

(*) Species marked with asterisk through Schedule I are included as agricultural seeds only as to varieties other than those generally known and sold as flower seeds or vegetable seeds. See Section 3851.

Common Name	*Botanical Name*
White clover	*T. repens* L.
White Dutch clover: White clover	
see also: Burclover	
Sweetclover	
Cotton	*Gossypium* spp.
Cowpea	*Vigna sinensis* (Torner) Savi
Crotalaria	
Lance crotalaria	*Crotalaria lanceolata* E. Mey.
Striped crotalaria	*C. striata* DC.
Sunn crotalaria	*C. juncea* L.
Danglepod: Sesbania	
Deervetch: Trefoil	
Dichondra	*Dichondra repens* Forst.
Fenugreek	*Trigonella Foenum-graecum* L.
Filaree	
Broadleaf filaree	*Erodium Botrys* Bertol.
Redstem filaree	*E. cicutarium* (L.) L'Her.
Whitestem filaree	*E. moschatum* (Burm. f.) L'Her.
Flax	*Linum usitatissimum* L.
Garbanzo: Chickpea	
Guar	*Cyamopsis tetragonoloba* (L.) Taub.
Guayule	*Parthenium argentatum* Gray
Hemp Sesbania: see Sesbania	
Heronbill: Filaree	
Horsebean (*)	*Vicia Faba* L.
Kale (*)	*Brassica oleracea* L. var. *acephala* DC.
Kudzu	*Pueraria Thunbergiana* (Sieb. & Zucc.) Benth.
Kyllinga	*Kyllinga* spp.
Lespedeza	
Chinese lespedeza	*Lespedeza sericea* (Thunb.) Miq. (*L. cuneata* G. Don)
Common lespedeza	*L. striata* (Thunb.) Hook. & Arn.
Kobe lespedeza	*L. striata* (strain)
Korean lespedeza	*L. stipulacea* Maxim.
Siberian lespedeza	*L. hedysaroides* (Pallas) Ricker
Lotus: Trefoil	
Lucerne: Alfalfa	
Lupine (*)	
European blue lupine	*Lupinus hirsutus* L.
European yellow lupine	*L. luteus* L.
Narrowleaf lupine	*L. angustifolius* L.
White lupine	*L. albus* L.
Mallow	
Little mallow	*Malva parviflora* L.
Malva: Mallow	
Mangel wurzel: Beet	
Medick	
Black medick	*Medicago lupulina* L.
Spotted medick: Spotted Burclover	
Mustard (*)	
Black mustard	*Brassica nigra* (L.) Koch
Charlock	*B. arvensis* (L.) Rabenh. (*B. Kaber* (DC.) L. C. Wheeler)
Common yellow mustard	*B. campestris* L.
India mustard	*B. juncea* (L.) Coss.
White mustard	*B. alba* (L.) Boiss. (*B. hirta* Moench)

(*) Species marked with asterisk through Schedule I are included as agricultural seeds only as to varieties other than those generally known and sold as flower seeds or vegetable seeds. See Section 3851.

Common Name	*Botanical Name*
Pea	
Chickpea	*Cicer arietinum* L.
Cowpea	*Vigna sinensis* (Torner) Savi
Field pea	*Pisum sativum* L. var. *arvense* (L.) Poir.
Grass pea	*Lathyrus sativus* L.
Pigeon pea	*Cajanus Cajan* Millsp.
Rough pea	*Lathyrus hirsutus* L.
Tangier pea	*Lathyrus tingitanus* L.
Wedge pea: Grass pea	
Peanut	*Arachis hypogaea* L.
Pigweed: Amaranth	
Plantain	
Buckhorn plantain	*Plantago lanceolata* L.
Pumpkin	*Cucurbita Pepo* L.
Ramie	*Boehmeria nivea* Gaud.
Rape	*Brassica Napus* L.
Annual rape	*B. Napus* L. var.
Bird rape	*B. campestris* L.
Turnip rape	*B. Rapa* L. var.
Winter rape	*B. Napus* L.
Rutabaga (*)	*Brassica campestris* L. var. *Napobrassica* DC.
Safflower (*)	*Carthamus tinctorius* L.
Sainfoin	*Onobrychis viciaefolia* Scop.
Saltbush	
Australian saltbush	*Atriplex semibaccata* Brown
Sesame (*)	*Sesamum orientale* L. (*S. indicum* L.)
Sesbania	
Hemp sesbania	*Sesbania exaltata* (Raf.) Torr.
Soybean (*)	*Soja Max* (L.) Piper
Squash (*)	*Cucurbita* spp.
Sulla	*Hedysarum coronarium* L.
Sunflower (*)	*Helianthus annuus* L.
Sweetclover	
Annual yellow sweetclover	*Melilotus indica* (L.) All.
Hubam sweetclover	*M. alba* Desr. var. *annua* Coe
White sweetclover	*M. alba* Desr.
Yellow sweetclover	*M. officinalis* (L.) Lam.
Tobacco	*Nicotiana Tabacum* L.
Trefoil	
Big trefoil	*Lotus uliginosus* Schkuhr
Birdsfoot trefoil	*L. corniculatus* L.
Turnip (*)	*Brassica Rapa* L.
Velvetbean	*Stizolobium utile* (Wall.) Piper and Tracy
Vetch	
Bard vetch	*Vicia calcarata* Desf. (*V. monantha* Retz.)
Calcarata vetch: Bard vetch	
Common vetch	*V. sativa* L.
Hairy vetch	*V. villosa* Roth
Hungarian vetch	*V. pannonica* Grantz
Monantha vetch: Oneflower vetch	
Narrowleaf vetch	*V. angustifolia* (L.) Reich.
Oneflower vetch	*V. monanthos* (L.) Desf. (*V. articulata* Willd.)
Purple vetch	*V. atropurpurea* Desf.
Winter vetch: Hairy vetch	
Woollypod vetch	*V. dasycarpa* Ten.
Yarrow (*)	*Achillea Millefolium* L.

(*) Species marked with asterisk through Schedule I are included as agricultural seeds only as to varieties other than those generally known and sold as flower seeds or vegetable seeds. See Section 3851.

3900. Schedule II. Vegetable Seeds.(*)

(a) Commonly Accepted Names

Common Name	*Botanical Name*
Artichoke	*Cynara Scolymus* L.
Asparagus	*Asparagus officinalis* L.
Bean (*)	
Asparagus bean: Yardlong cowpea	
Broad bean: Horsebean	
Hyacinth bean: Lablab	
Kidney bean	*Phaseolus vulgaris* L.
Lima bean	*P. lunatus* L.
Runner bean	*P. coccineus* L.
Snap bean: Kidney bean	
String bean: Kidney bean	
see also:	
Horsebean	
Soybean	
Beet (*)	*Beta vulgaris* L.
Leaf beet: Swiss chard	
Borecole: Kale	
Broccoli	*Brassica oleracea* L. var. *botrytis* L.
Sprouting broccoli	*B. oleracea* L. var. *italica* Plenck
Brussels sprouts	*Brassica oleracea* L. var. *gemmifera* Zenker
Burdock	*Arctium Lappa* L.
Cabbage	*Brassica oleracea* L. var. *capitata* L.
Celery cabbage: Pe-tsai	
Chinese cabbage: Pak-choi, Pe-tsai	
Peking cabbage: Pe-tsai	
Cantaloup: Muskmelon	
Cardoon	*Cynara Cardunculus* L.
Carrot (*)	*Daucus Carota* L.
Casaba: Muskmelon	
Cauliflower	*Brassica oleracea* L. var. *botrytis* L.
Celeriac	*Apium graveolens* L. var. *rapaceum* DC.
Celery	*Apium graveolens* L. var. *dulce* DC.
Chard	
Swiss chard	*Beta vulgaris* L. var. *Cicla* L.
Chervil	
Salad chervil	*Anthriscus Cerefolium* Hoffm.
Turnip-rooted chervil	*Chaerophyllum bulbosum* L.
Chicory	*Cichorium Intybus* L.
Chive	*Allium Schoenoprasum* L.
Ciboul	*Allium fistulosum* L.
Citron (*)	*Citrullus vulgaris* Schrad. (form)
Collards	*Brassica oleracea* L. var. *acephala* DC.
Corn (*)	*Zea Mays* L.
Cornsalad	*Valerianella* spp.
European cornsalad	*V. olitoria* Poll.
Italian cornsalad	*V. eriocarpa* Desv.
Cowpea (*)	*Vigna sinensis* (Torner) Savi.
Yardlong cowpea	*V. sesquipedalis* (L.) Fruwirth
Cress	*Lepidium sativum* L.
see also:	
Watercress	
Cucumber	*Cucumis sativus* L.
Lemon cucumber	*C. Melo* L. var. *Chito* Naud.
Dandelion	*Taraxacum officinale* Weber
Eggplant	*Solanum Melongena* L.
Endive	*Cichorium Endivia* L.
Escarole: Endive	
Fennel	*Foeniculum vulgare* Mill.
Fetticus: Cornsalad	
Finocchio: Fennel	
Garden huckleberry: Black nightshade	

(*) Species marked with asterisk throughout Schedule II are included as vegetable seeds only as to varieties generally known and sold under the name of vegetable seeds. See Section 3852.

Common Name	*Botanical Name*
Gherkin	*Cucumis Anguria* L.
Gobo: Burdock	
Groundcherry: Husk tomato	
Honeydew: Muskmelon	
Horsebean (*)	*Vicia Faba* L.
Kale (*)	*Brassica oleracea* L. var. *acephala* DC.
Sea kale	*Crambe maritima* L.
Siberian kale	*Brassica campestris* L.
Kohlrabi	*Brassica Caulorapa* Pasq.
Lablab	*Dolichos Lablab* L.
Leek	*Allium Porrum* L.
Lentil (*)	*Lens esculenta* Moench
Lettuce	*Lactuca sativa* L.
Martynia	*Proboscidea Jussieui* Steud.
Melon	
see: Muskmelon	
Watermelon	
Muskmelon	*Cucumis Melo* L.
Mustard (*)	*Brassica juncea* (L.) Coss.
Spinach mustard	*B. Rapa* L. var. *perviridis*
Napa: Pak-choi, Pe-tsai	
Nightshade	
Black nightshade	*Solanum nigrum* L.
Malabar nightshade: Ceylon spinach	
Okra	*Hibiscus esculentus* L.
Onion	*Allium Cepa* L.
Welsh onion: Ciboul	
Orach	*Atriplex hortensis* L.
Oysterplant: Salsify	
Pak-choi	*Brassica chinensis* L.
Parsley	*Petroselinum hortense* Hoffm.
Parsnip	*Pastinaca sativa* L.
Pea (*)	*Pisum sativum* L.
Pepino	*Solanum muricatum* Ait.
Pepper	*Capsicum frutescens* L.
Pe-tsai	*Brassica pekinensis* Skeels
Pumpkin (*)	*Cucurbita Pepo* L.
Radish	*Raphanus sativus* L.
Rhubarb	*Rheum Rhaponticum* L.
Rocket-salad	*Eruca sativa* Mill.
Romaine: Lettuce	
Roselle	*Hibiscus Sabdariffa* L.
Rutabaga	*Brassica campestris* L. var. *Napobrassica* DC.
Salsify	*Tragopogon porrifolius* L.
Shallot	*Allium ascalonicum* L.
Snakegourd	*Trichosanthes Anguina* L.
Sorrel	*Rumex Acetosa* L.
Soybean (*)	*Soja Max* (L.) Piper
Spinach	*Spinacia oleracea* L.
Ceylon spinach	*Basella rubra* L.
New Zealand spinach	*Tetragonia expansa* Thunb.
Squash (*)	*Cucurbita* spp.
Sunberry: Black nightshade	
Swiss chard: see Chard	
Tomato	*Lycopersicon esculentum* Mill.
Husk tomato	*Physalis pubescens* L.
Turnip (*)	*Brassica Rapa* L.
Vegetable marrow: Squash	
Vegetable oyster: Salsify	
Watercress	*Rorippa Nasturtium-aquaticum* (L.) Hayek
Watermelon	*Citrullus vulgaris* Schrad.
Wonderberry: Black nightshade	
Wong-bok: Pak-choi	

(*) Species marked with asterisk throughout Schedule II are included as vegetable seeds only as to varieties generally known and sold under the name of vegetable

(b) Germination Standards.(†)

Artichoke		60	Lettuce	80
Asparagus	(**)	70	Muskmelon	75
Bean, asparagus		75	Mustard	75
Bean, runner		75	Mustard, spinach	75
Beans, (except lima)		75	Mustard, vegetable	75
Beans, lima		70	Okra	(**) 50
Beets		65	Onion	70
Broccoli		75	Pak-choi	75
Brussels sprouts		70	Parsley	60
Cabbage		75	Parsnip	60
Cardoon		60	Peas	80
Carrot		55	Pepper	55
Cauliflower		75	Pe-tsai or Chinese cabbage	75
Celery and celeriac		55	Pumpkin	75
Chicory		65	Radish	75
Citron		65	Rhubarb	60
Collards		80	Rutabaga	75
Corn		75	Salsify	75
Cowpea		75	Sorrel	60
Cress, garden		40	Soybean	75
Cress, water		35	Spinach (except New Zealand)	60
Cucumber		80	Spinach, New Zealand	40
Dandelion		45	Squash	75
Eggplant		60	Swiss chard	65
Endive		70	Tomato	75
Fetticus (cornsalad)		70	Tomato, husk	50
Kale		75	Turnip	80
Kohlrabi		75	Watermelon	70
Leek		60		

*†

3901. Schedule III. Agricultural and Vegetable Seeds Classed as Weed Seeds When Occurring Incidentally in Agricultural Seeds.

Common Name	*Botanical Name*
Amaranth (*)	*Amaranthus* spp.
Artichoke	*Cynara Scolymus* L.
Burdock	*Arctium Lappa* L.
Cardoon (*)	*Cynara Cardunculus* L.
Carrot	*Daucus Carota* L.
Charlock: see Mustard	
Chess brome: see Grass	
Chicory	*Cichorium Intybus* L.
Dandelion	*Taraxacum officinale* Weber
Fennel	*Foeniculum vulgare* Mill.
Filaree	*Erodium* spp.
Grass	
Bermuda Grass (*)	*Cynodon Dactylon* (L.) Pers.
Annual bluegrass	*Poa annua* L.
Chess brome	*Bromus secalinus* L.
Dallis grass	*Paspalum dilatatum* Poir.
Lupine (*)	*Lupinus* spp.
Mallow	
Little mallow (*)	*Malva parviflora* L.
Martynia	*Proboscidea Jussieui* Steud.
Medick	
Black medick (*)	*Medicago lupulina* L.

(†) See Section 3862.
(*) Species marked with asterisk are specifically designated in Section 911.25 of the Agricultural Code as weed seeds when occurring incidentally in agricultural seeds. All other species listed are added by these Rules and Regulations. See Section 3856.
(**) Including hard seeds.
*† For statutory and source citations, see note to §3850.

Common Name	*Botanical Name*
Mustard (*)	
Black mustard	*Brassica nigra* (L.) Koch
Charlock	*B. arvensis* (L.) Rabenh. (*B. Kaber* (DC.) L. C. Wheeler)
Common yellow mustard	*B. campestris* L.
India mustard	*B. juncea* (L.) Coss.
White mustard	*B. alba* (L.) Boiss. (*B. hirta* Moench)
Nightshade	
Black nightshade	*Solanum nigrum* L.
Pigweed: see Amaranth (*)	
Plantain	
Buckhorn plantain	*Plantago lanceolata* L.
Radish (*)	*Raphanus sativus* L.
Rape	
Bird rape	*Brassica campestris* L.
Rocket-salad	*Eruca sativa* Mill.
Sesbania	
Hemp sesbania	*Sesbania exaltata* (Raf.) Torr.
Sunflower	*Helianthus annuus* L.
Yarrow	*Achillea Millefolium* L.

3902. Schedule IV. Fees for Sampling and Testing.(†)

(a) Purity Analyses

1. For mixtures of 3 or more kinds of seed in groups A and B(**)_____ $7 50
2. For bentgrasses, Dallis grass, orchard grass, redtop, Rhodes grass, wheatgrasses, and other seeds requiring a similar test_____ 5 00
3. For Bermuda grass, bluegrasses, bromegrasses, fescues, canary grass, Sudan grass, timothy, ryegrass (not including fluorescence test), burnet, flax, rape, vetches, field peas, clover, alfalfa and other seeds requiring a similar test__ 2 50
4. For beans, beets, cowpeas, fenugreek, millet, peas, Sesbania, sorghums, soybeans, and other seeds requiring a similar test; and for cereal, vegetable and flower seeds_____ 2 00

(b) Germination Tests

1. For mixtures of 3 or more kinds of seed in groups A and B(**) when made in conjunction with purity test_____ 5 00
2. For Bahia grass, bentgrasses (not including Redtop), Bermuda grass, bluegrasses, bluestem, buffalo grass, reed canary grass, crested dogtail grass, Dallis grass, sand dropseed, fescues (except meadow fescue and reed fescue), giant panic grass, grama grass, Guinea grass, Harding grass, Indian grass, molasses grass, orchard grass, rescue grass, Indian ricegrass, sorghum, Sudan grass, Smilo grass, switchgrass, Vasey grass, western wheatgrass, Canada wildrye, cowpeas, peanuts, beans (including garden and field), corn (including sweet, field and popcorn), peas (including garden and field), celeriac, celery, New Zealand spinach and ryegrass (when the species is to be determined by a fluorescence test)_____ 2 00
3. For alfalfa, clovers, mustards, redtop, meadow fescue and reed fescue, ryegrass (when the species is not to be determined by a fluorescence test), flower seeds and all other seed not listed in (2) of Division (b), of this Schedule _____ 1 50

(c) Weed-Seed Examinations

(1) For examination for and identification of weed seed_____No charge

(d) Sampling By Request

(1) For each sample drawn by request_____ $1 00
(Plus travel expenses of inspector and the regular charge for the test or tests requested).

(†) See Section 3874 (f).
(*) Species marked with asterisk are specifically designated in Section 911.25 of the Agricultural Code as weed seeds when occurring incidentally in agricultural seeds. All other species listed are added by these Rules and Regulations. See Section 3856.
(**) See Section 912 (4), Agricultural Code.

3903. Schedule V. Tolerances for Noxious-Weed Seeds

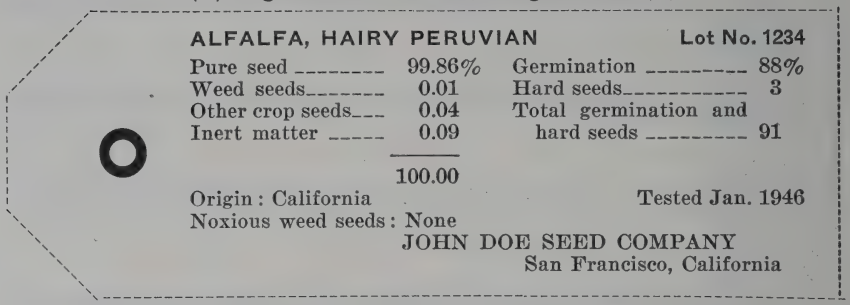
Where the rate of occurrence of noxious-weed seeds is represented to be a number shown in Column B, it is deemed to be within the tolerance if the number found by analysis in the quantity of seed specified for noxious-weed seed determinations in Section 3879(b) does not exceed the accompanying number in Column A. (See Section 3882(d).)*†

A Number found by analysis	B The following are within the tolerance	A Number found by analysis	B The following are within the tolerance	A Number found by analysis	B The following are within the tolerance	A Number found by analysis	B The following are within the tolerance	A Number found by analysis	B The following are within the tolerance	A Number found by analysis	B The following are within the tolerance	A Number found by analysis	B The following are within the tolerance	A Number found by analysis	B The following are within the tolerance
2	0	57	43	105	86	152	129	199	172	245	215	290	258		
4	1	58	44	106	87	153	130	200	173	246	216	292	259		
6	2	59	45	107	88	154	131	201	174	247	217	293	260		
8	3	60	46	108	89	156	132	202	175	248	218	294	261		
9	4	61	47	110	90	157	133	203	176	249	219	295	262		
11	5	63	48	111	91	158	134	204	177	250	220	296	263		
12	6	64	49	112	92	159	135	205	178	251	221	297	264		
13	7	65	50	113	93	160	136	206	179	252	222	298	265		
14	8	66	51	114	94	161	137	207	180	253	223	299	266		
16	9	67	52	115	95	162	138	208	181	254	224	300	267		
17	10	68	53	116	96	163	139	209	182	255	225	301	268		
18	11	69	54	117	97	164	140	211	183	256	226	302	269		
20	12	71	55	118	98	165	141	212	184	258	227	303	270		
21	13	72	56	120	99	166	142	213	185	259	228	304	271		
22	14	73	57	121	100	167	143	214	186	260	229	305	272		
23	15	74	58	122	101	169	144	215	187	261	230	306	273		
24	16	75	59	123	102	170	145	216	188	262	231	307	274		
25	17	76	60	124	103	171	146	217	189	263	232	309	275		
27	18	77	61	125	104	172	147	218	190	264	233	310	276		
28	19	78	62	126	105	173	148	219	191	265	234	311	277		
29	20	80	63	127	106	174	149	220	192	266	235	312	278		
30	21	81	64	128	107	175	150	221	193	267	236	313	279		
32	22	82	65	129	108	176	151	222	194	268	237	314	280		
33	23	83	66	130	109	177	152	223	195	269	238	315	281		
34	24	84	67	132	110	178	153	224	196	270	239	316	282		
35	25	85	68	133	111	179	154	226	197	271	240	317	283		
37	26	86	69	134	112	180	155	227	198	272	241	318	284		
38	27	87	70	135	113	181	156	228	199	273	242	319	285		
39	28	89	71	136	114	183	157	229	200	275	243	320	286		
41	29	90	72	137	115	184	158	230	201	276	244	321	287		
42	30	91	73	138	116	185	159	231	202	277	245	322	288		
43	31	92	74	139	117	186	160	232	203	278	246	323	289		
44	32	93	75	140	118	187	161	233	204	279	247	324	290		
45	33	94	76	141	119	188	162	234	205	280	248	325	291		
46	34	95	77	142	120	189	163	235	206	281	249	326	292		
48	35	96	78	144	121	190	164	236	207	282	250	328	293		
49	36	97	79	145	122	191	165	237	208	283	251	329	294		
50	37	99	80	146	123	192	166	238	209	284	252	330	295		
51	38	100	81	147	124	193	167	239	210	285	253	331	296		
52	39	101	82	148	125	194	168	240	211	286	254	332	297		
53	40	102	83	149	126	195	169	242	212	287	255	333	298		
55	41	103	84	150	127	197	170	243	213	288	256	334	299		
56	42	104	85	151	128	198	171	244	214	289	257	335	300		

*† For statutory and source citations, see note to §3850.

3904. Schedule VI. Specimen Labels.

(a) Agricultural Seeds, Single Kind.(*)

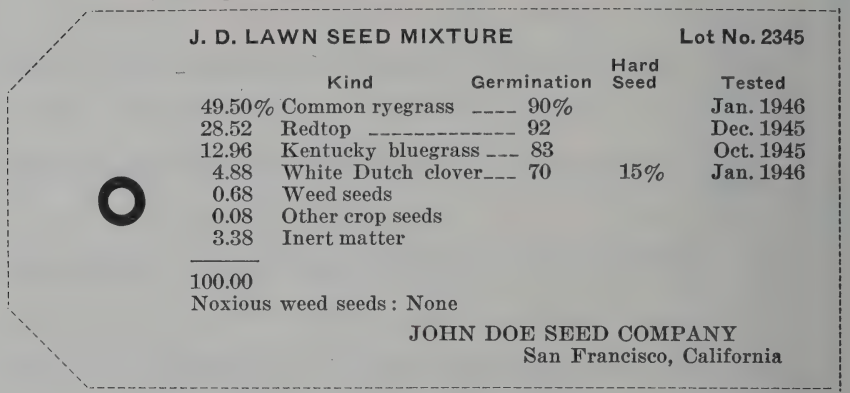


ALFALFA, HAIRY PERUVIAN — Lot No. 1234

Pure seed	99.86%	Germination	88%
Weed seeds	0.01	Hard seeds	3
Other crop seeds	0.04	Total germination and hard seeds	91
Inert matter	0.09		
	100.00		

Origin: California — Tested Jan. 1946
Noxious weed seeds: None
JOHN DOE SEED COMPANY
San Francisco, California

(b) Agricultural Seeds, Two or More Kinds.(*)

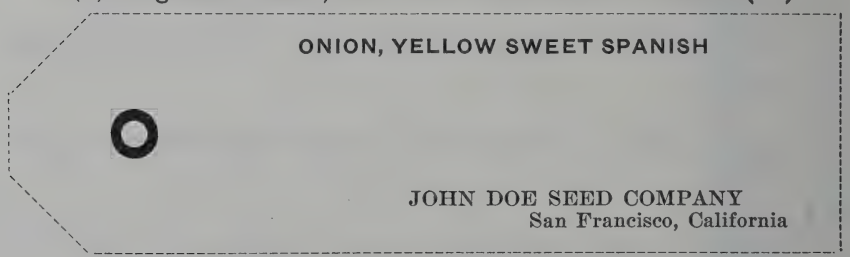


J. D. LAWN SEED MIXTURE — Lot No. 2345

	Kind	Germination	Hard Seed	Tested
49.50%	Common ryegrass	90%		Jan. 1946
28.52	Redtop	92		Dec. 1945
12.96	Kentucky bluegrass	83		Oct. 1945
4.88	White Dutch clover	70	15%	Jan. 1946
0.68	Weed seeds			
0.08	Other crop seeds			
3.38	Inert matter			
100.00				

Noxious weed seeds: None
JOHN DOE SEED COMPANY
San Francisco, California

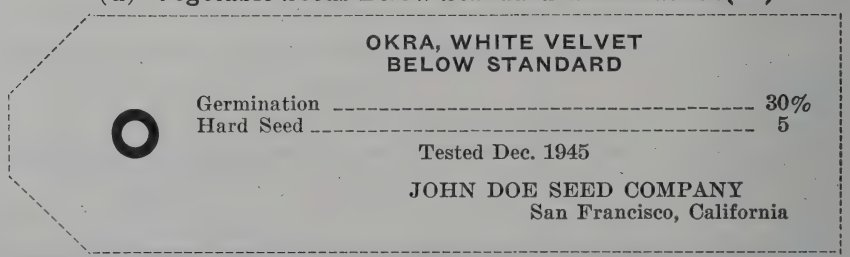
(c) Vegetable Seeds, Standard Germination or Above(**)



ONION, YELLOW SWEET SPANISH

JOHN DOE SEED COMPANY
San Francisco, California

(d) Vegetable Seeds Below Standard Germination.(**)



OKRA, WHITE VELVET
BELOW STANDARD

Germination	30%
Hard Seed	5

Tested Dec. 1945

JOHN DOE SEED COMPANY
San Francisco, California

*†

(*) See Section 912, Agricultural Code.
(**) See Section 913, Agricultural Code.
*† For statutory and source citations, see note to §3850.

Printed July 25, 1945

Group 2. Commercial Feeding Stuffs

Article
1. Definitions
2. Feeds containing harmful substances
3. Official names
4. Brands, brand names and trademarks
5. Advertising
6. Reports of inspection and analyses
7. Re-use of printed or stenciled containers
8. Preservatives
9. Terms defined
10. Removal from sale
11. Payment of inspection tax
12. Damaged feeding stuffs
13. Amendment or alteration of regulations
14. Definitions and standards
15. Rules and regulations governing printers and tag companies authorized to print the feeding stuffs tonnage tax paid insignia

Article 1. Definitions

2675. Definitions. The term "Commercial Feeding Stuffs" shall include all feeding stuffs, concentrates, vitamin supplements, minerals, and/or mineral mixtures used for their nutritional or physical properties in the feeding of livestock or poultry except as specifically exempted by the provisions of Division 5, Chapter 7a (Commercial Feeding Stuffs), of the Agricultural Code, hereinafter cited as the "Feeding Stuffs Act."

NOTE.—§§2675 to 2815, inclusive, issued under the authority contained in Sections 1082, 1083.5, and 1091, Agricultural Code. Source of §§2675 to 2815, inclusive, is the Rules and Regulations issued by the Director of Agriculture.

2676. Preparations for which no definite claims are made as being primarily tonics or for the cure, mitigation or prevention of disease, will be classified as drugs or feeding stuffs on the basis of an examination of the ingredients.*†

NOTE.—See also Section 2700 (f).

Article 2. Feeds Containing Harmful Substances

2681. Feeds Containing Harmful Substances. The sale of a feeding stuff containing any poisonous or deleterious substance which may render it injurious to the health of livestock or poultry is prohibited; but in case the substance is not an added substance, or is a substance required in the production of a feed by good manufacturing practice, the sale of such feeds will be permitted, provided, that the quantity of such poisonous or deleterious substance in the feed does not ordinarily render it injurious to the health of livestock or poultry.*†

2682. The fluorine content of any mineral or mineral mixtures to be used directly for feeding of livestock or poultry shall not exceed 0.30 per cent for cattle; 0.35 per cent for sheep; 0.45 per cent for swine; and 0.60 per cent for poultry.

Any fluorine bearing ingredients may be used only in such limited amounts in feeding stuffs so that they will not increase the fluorine concentration of the total ration above the following amounts: For cattle 0.009 per cent; for sheep 0.010 per cent; for swine 0.014 per cent; and for poultry 0.035 per cent of fluorine.*†

Article 3. Official Names

2687. Official Names. The names of the materials described under the definitions of feeding stuffs shall be the official names of the materials therein described.*†

*† For statutory and source citations, see note to §2675.

2688. The official name shall be used in all cases; that is, as the names of products, in the lists of ingredients of mixed feeds, and upon the invoice covering special mixes. In case no official name for the product exists, the common English name of the product shall be used.*†

Article 4. Brands, Brand Names and Trade-Marks

2693. Brands, Brand Names and Trade-marks. The brand, brand name or trade-mark shall not tend to mislead the purchaser with respect to any quality of the feed. If the brand name indicates that the feed is made for a specific use, the character of the feed shall conform therewith.*†

2694. A brand, brand name or trade-mark shall not contain the name or a contraction or mis-spelling of the name of any ingredient unless the percentage of that component is stated in type of the same size. This requirement shall not be held to apply to those instances where all of the ingredients are listed in the brand name.*†

2695. Whenever any ingredient or mixture is mentioned by name, brand, brand name or trade-mark on the label in addition to being in the list of ingredients, the percentage of such shall be stated in type of the same size.*†

2696. In the case of feeds containing inert grit, inert mineral matter, or other inert materials, the brand name shall state the maximum percentage of such material present in the mixture as, for example, "Excelsior Duck Mash with 5% Grit." In the statement of ingredients, the kind of such inert material shall be stated. "Inert Grit," "Inert Mineral Matter," and "Inert Material," apply to those materials that are not assimilated in the digestive processes; such as, sand, granite grit, clay, etc.*†

Statement of Protein

2697. Statement of Protein. The minimum percentage of protein must form a part of the name of all concentrates used primarily or generally as a source of protein; for example, 30% Protein Linseed Meal, 50% Protein Meat and Bone Scrap. When these concentrates are incorporated into a mixed feed, the statement of the percentage of protein in the name may be omitted; for example, linseed meal, meat and bone scrap, etc.*†

Labels

2698. Labels. Each package of feed shall bear a complete label. The complete label shall be printed on one side of a tag attached to the package, or upon one side of the package itself. When there is information on both the label and the package, there shall be no difference with respect to name, ingredients, guaranteed composition or other claims. In either case the label shall be legible and clear and distinct in its meaning.

The following exceptions will be made:

(a) Special mixes which are to be labeled according to Section 1083.3 of the Feeding Stuffs Act.

NOTE.—See also Sections 2687, 2688, and 2702.

(b) Feeding stuffs offered or exposed for sale in bulk, where the label information must be furnished as provided in Section 1083.5 of the Feeding Stuffs Act.

*† For statutory and source citations, see note to §2675.

(c) Feeding stuffs packaged from properly labeled containers on the premises where sold to the consumer. Such packages must bear a statement indicating that the tonnage tax has been paid.

(d) Feeding stuffs processed by a manufacturer for use in his own mixes. Such feeds are, however, subject to inspection and must conform to the definitions and standards which apply to the product.*†

2699. Guarantees shall closely conform to the chemical content of the feed. That is, the actual analysis shall not be unreasonably lower than the maximum guarantees nor unreasonably higher than the minimum guarantees appearing on the label.*†

2700. The following requirements apply to the statements of ingredients on labels:

(a) The official name of each ingredient as listed under "Definitions of Feeding Stuffs" shall be used. If no official name exists, the common English name shall be used.

(b) The names of the ingredients shall appear in the order of the decreasing amounts present.

(c) All ingredients, including minerals, used in a mixed feed must be mentioned by name on the labels.

Shell products, limestone, calcium sulphate, iron oxide, dicalcium phosphate, and similar materials are classed as added minerals. Salt, charcoal, bone products, and similiar materials are not classed as minerals.

Salt, when used in any quantity up to and including 2 per cent, is mentioned by name only; when over 2 per cent, the percentage of salt must be stated, as "Salt not more than 3.0%." When added minerals exceed 5 per cent, the percentage of salt must be stated if the same be added.

(d) The names of all ingredients shall be printed in uniform type of the same size, and with ink of the same color.

(e) The listing of ingredients and/or the statement of analysis shall in no way tend to mislead the purchaser.

(f) The presence of a drug in a mixed feed shall be shown on the label by stating its common name, or, in the case of drug mixtures, its proprietary name followed by the statement "a drug."*†

2701. Claims for vitamin potency shall be expressed in a definite manner. If the product is represented as primarily a vitamin supplement, the vitamin potency shall be expressed as minimum units per gram and may additionally be expressed as minimum units per pound. On other feeds, claims for vitamin potency shall be expressed as minimum units per pound. The following are the required units of guarantee:

Vitamin A	U. S. P. Units*
Carotene (Provitamin A)	Micrograms
Vitamin D (on poultry feeds)	A. O. A. C. Chick Units*
Thiamin (Vitamin B_1)	Micrograms
Riboflavin (Vitamin G)	Micrograms
Niacin (Nicotinic Acid)	Micrograms
Pantothenic Acid	Micrograms
Pyridoxine (Vitamin B_6)	Micrograms*†

* U. S. P. is the United States Pharmacopoeia. A. O. A. C. is the Association of Official Agricultural Chemists.
Terms in parentheses are explanatory and should be omitted on labels.
*† For statutory and source citations, see note to §2675.

2702. Uniform types of labels for all classes of feeds are required, but only the following are included herein:

(1) Type of Label for Mixed Feeds in General

100 LBS. NET

EXCELSIOR DAIRY FEED

MANUFACTURED BY (OR FOR)

JOHN DOE FEED MILLS

DOEVILLE, CALIF.

GUARANTEED ANALYSIS

Crude Protein, not less than_____ per cent
Crude Fat, not less than_____ per cent
Crude Fiber, not more than_____ per cent
Ash, not more than_____ per cent

Ingredients: Wheat Bran, Wheat Shorts, Copra Oil Meal 10% Oat Mill Feed (Oat Hulls, Oat Shorts, Oat Middlings), Ground Light Barley, Cottonseed Meal, Alfalfa Meal, Salt.

(2) Type of Label for Mixed Feeds With Added Minerals

100 LBS. NET

EXCELSIOR LAYING MASH

MANUFACTURED BY (OR FOR)

JOHN DOE FEED MILLS

DOEVILLE, CALIF.

GUARANTEED ANALYSIS

Crude Protein, not less than_____ per cent
Crude Fat, not less than_____ per cent
Crude Fiber, not more than_____ per cent
Ash, not more than_____ per cent
Added Minerals, not more than_____ per cent

Ingredients: Ground Barley, Ground Corn, Ground Wheat, Fish Meal, Meat and Bone Scraps, Alfalfa Leaf Meal, 5% Ground Light Suctions, Limestone, Salt.

(3) Type of Label for Mixed Feeds With Added Minerals Exceeding 5%

100 LBS. NET

EXCELSIOR LAYING MASH

MANUFACTURED BY (OR FOR)

JOHN DOE FEED MILLS

DOEVILLE, CALIF.

GUARANTEED ANALYSIS

Crude Protein, not less than_____ per cent
Crude Fat, not less than_____ per cent
Crude Fiber, not more than_____ per cent
Ash, not more than_____ per cent
Added Minerals, not more than_____ per cent
Calcium (Ca), not less than_____ per cent
Phosphorus (P), not less than_____ per cent
Iodine (I), not less than_____ per cent
Salt (NaCl), not more than_____ per cent

Ingredients: Ground Corn, Ground Light Barley, Ground Grain Sorghums, Wheat Mixed Feed, Soybean Meal, Fish Meal, Alfalfa Meal, Linseed Meal, Dried Skimmed Milk, Ground Shell, Salt, Potassium Iodide.

(4) Type of Label for Mineral Feeds

100 LBS. NET

EXCELSIOR POULTRY MINERALS

MANUFACTURED BY (OR FOR)

JOHN DOE FEED MILLS

DOEVILLE, CALIF.

GUARANTEED ANALYSIS

Calcium (Ca), not less than_____ per cent
Phosphorus (P), not less than_____ per cent
Iodine (I), not less than_____ per cent
Salt (NaCl), not more than_____ per cent

Ingredients: Ground Oyster Shell, Steamed Bone Meal, Iron Oxide, Manganese Sulphate, Salt, Potassium Iodide, Fenugreek.

(5) Type of Label for Shell, Limestone, and Marl Products

100 LBS. NET

EXCELSIOR BRAND

(Name of Product)

MANUFACTURED BY (OR FOR)

JOHN DOE FEED MILLS

DOEVILLE, CALIF.

GUARANTEED ANALYSIS

Calcium Carbonate ($CaCo_3$) not less than_____ per cent
Expressed as Calcium (Ca)_____ per cent

(6) Type of Label for Special Mixes

100 LBS. NET

SPECIAL MIX

JOHN DOE FEED MILLS

DOEVILLE, CALIF.

Invoice No._____

Date _____

Mixed for_____

Net Weight

2703. Net Weight. The label on each package of feed shall show the net weight of the feed in the package. Such statements as 100 pounds gross, 100 pounds when packed, etc., are prohibited. No allowance will be made for shrinkage due to evaporation or loss due to other causes except as follows:

The net weight of rolled grains will be computed on a basis of 12 per cent moisture.*†

NOTE.—The commodity Net Weight Standards (enforced by the Bureau of Weights and Measures, Department of Agriculture, see Title 4—Business Regulations) state that rolled barley shall be packed in sacks 75, 80, 90, 100 pounds net weight.

Screenings and Light Suctions

2704. Screenings and Light Suctions. The admixture of any proportion of wheat screenings with wheat bran or wheat shorts requires a declaration to that effect in the principal brand name. For example:

(a) Wheat Bran with Ground Wheat Screenings.

(b) Wheat Shorts with Ground Wheat Screenings.

(c) Wheat Mixed Feed with Wheat Screenings.*†

2705. The crude fiber standards as shown in the various definitions for grains and mill by-products shall apply also if screenings or light suctions are added.*†

2706. If to any feed other than a mixed feed there should be added light suctions as defined in the definitions of feeding stuffs, or any material of low or questionable feeding value, such as corn cobs, oat hulls, barley hulls, ground light rice, etc., the feed shall be labeled to clearly indicate this fact. The name of the material and the percentage used shall appear as part of the name or brand name and shall be printed in the same size and face of type as the remainder of the brand name; for example, "Ground Oats with 10% Light Suctions."*†

2707. When any portion whatever of light suctions, or other materials of low or questionable feeding value is used in a mixed feed, it shall be classed as a filler and the label shall state in the list of ingredients the maximum percentage of such materials so used.*†

Article 5. Advertising

2712. Advertising. All printed or written matter concerning commercial feeding stuffs shall be free from any statement, design, or device regarding the article, the ingredients or substances contained therein, quality thereof, or place of origin, which is false, fraudulent or misleading in any particular. The terms "design" and "device" shall include pictorial matter of every description, abbreviations, characters, and signs.*†

Article 6. Reports of Inspection and Analyses

2717. Reports of Inspection and Analyses. When an official sample has been taken and the analysis made, all interested parties of

*† For statutory and source citations, see note to §2675.

record shall be supplied with a copy of the report of inspection and analysis.*†

2718. If the analysis of an official sample shows that a lot of feeding stuffs has been sold or offered for sale in violation of any requirement of law or Regulations, the report of inspection and analysis shall plainly indicate the violations found.*†

2719. The name of the Department of Agriculture or of any employee thereof or any report of inspection and analyses or information contained thereon shall not be used in connection with any advertising.*†

2720. Reports of inspection and analysis shall apply only to the specific lot represented by the sample.*†

Article 7. Re-use of Printed or Stenciled Containers

2725. Re-use of Printed or Stenciled Containers. The Department will not permit the re-use of printed or stenciled bags or other containers where the label information may create confusion as to the content of the package; provided, however, that such bags or other containers may be used if the original printing or stenciling is not displayed or is defaced.*†

2726. Paper bags or other containers bearing the "California Feeding Stuffs Tax-Paid" insignia must not be re-used for feeding stuffs purposes unless the insignia has been removed or defaced.*†

Article 8. Preservatives

2731. Preservatives. No added preservative, denaturant, or artificial coloring of any kind may be used in the manufacture of a feed until its use, and the condition of its use shall have been approved by the Director.*†

Article 9. Terms Defined

2736. Terms Defined. The term "**Custom Milling**" or "**Toll Milling**" applies only to those cases where the entire material or materials to be processed are delivered to the mill by the owner thereof or his duly authorized agent and are processed according to his instructions. In all cases the identical material shall be returned to the person for whom it was processed. Whenever a material is delivered to the processor for mixture with materials supplied by the processor, the resulting mixture shall be considered as a "**special mix**" and shall be so labeled.

Persons engaged in "**Custom Milling**" or "**Toll Milling**" exclusively shall not be considered as coming under the provisions of the Feeding Stuffs Act, and the material so processed shall be exempt from the label requirements and the payment of the tonnage tax.*†

2737. The term "**Special Mix**" as defined in Section 1083.3 of the Feeding Stuffs Act shall apply only to those mixes where the material described on the invoice is delivered in its entirety to a single consumer-buyer.*†

*† For statutory and source citations, see note to §2675.

2738. The term **"plant"**, as used in Section 1083.1 of the Feeding Stuffs Act, shall apply to all places where feed is manufactured, sold, or stored. This term will not apply to places doing business exclusively in the capacity of a public warehouse.*†

2739. It is the ruling of this Department that a ton of feed is 2000 pounds net.*†

2740. A **"definite guarantee"** as referred to in Section 1083 of the Agricultural Code shall mean a numerical evaluation of the quality guaranteed.*†

2741. The **"quality index"** of animal protein concentrates referred to in Section 1083 of the Agricultural Code shall be determined by the method of Almquist and associates which is described in the Journal of Nutrition, Volume 10, No. 2, August 10, 1935.*†

Article 10. Removal From Sale

2746. Removal From Sale. When a commercial feeding stuff is "red tagged" as an indication of removal from sale as provided in Section 1087 of the "Feeding Stuffs Act," the red tag or tags must not be removed and such feeding stuff shall not be sold, used in mixtures, removed from its location at time of "red tagging," or otherwise disposed of except under authorization of the Director.*†

2747. When a commercial feeding stuff has been removed from sale or use, the manufacturer or guarantor shall be notified of the violation found and he shall correct such violation within 15 days from the date of notification.*†

Article 11. Payment of Inspection Tax

2752. Payment of Inspection Tax. Each package of commercial feeding stuffs shall have attached thereto, when sold, offered for sale, exposed for sale, exchanged, bartered, or traded to the consumer-buyer, a tax tag or stamp or an approved indication of the payment of the inspection tax. Tax stamps may be purchased from the Department. Tax tags or labels bearing an insignia showing payment of the inspection tax may be purchased from a bonded printer authorized by the Director.*†

NOTE.—A list of bonded printers may be secured from the Director or from any office of the Bureau of Field Crops.
Tax stamps may be purchased at any office of the Bureau.

2753. Whenever a commercial feeding stuff is sold at retail in bulk or in containers belonging to the purchaser, the person selling such feeding stuff shall attach to the office copy of the invoice or bill of sale sufficient tax tags or stamps to cover the sale, or he shall render to the Department quarterly payments of the tax on such bulk sales.*†

2754. In those cases where the tax on a bulk sale is paid by stamps attached to the office copy of the invoice covering the sale, the customer's copy of the invoice shall carry a statement to that effect.*†

*† For statutory and source citations, see note to §2675.

2755. In those cases where the tax is paid directly to the Department, the following requirements shall be satisfied:

(a) The customer's copy of the invoice covering the sale shall carry a statement to the effect that the tax will be paid directly to the Department.

(b) The seller's copy of the invoice shall carry a statement as to the date of payment and method of payment.

(c) Payment of the tax to the Department shall be accompanied by a signed statement of each sale covered by the payment.*†

Article 12. Damaged Feeding Stuffs

2760. Damaged Feeding Stuffs. Whenever any commercial feeding stuffs, or any material which is to be processed for use as a feeding stuff, has been damaged by any cause whatever which may reduce the feeding value thereof, the owner shall notify the Director as to the location and amounts of such material. Removal of damaged feeding stuffs from the location shall be made only after the Director has had opportunity to determine the extent of damage.*†

2761. Any commercial feeding stuff which has been damaged to the extent that its feeding value may be affected, shall be labeled to clearly indicate this fact and the nature of the damage.*†

2762. The use of a damaged feeding stuff in a mixed feed is prohibited.*†

2763. Whenever any damaged feeding stuff is sold, the seller shall notify the Director as to the amount sold and the name of the person to whom the sale was made.*†

Article 13. Amendment or Alteration of Regulations

2768. Amendment or Alteration of Regulations. These Regulations may be altered or amended at any time without previous notice.*†

Article 14. Definitions and Standards. Alfalfa Products

2773. Definitions and Standards. Alfalfa Products. (a) **General Provision:** The terms, Chopped Alfalfa, Alfalfa Meal, Alfalfa Leaf Meal, Alfalfa Stem Meal, and Alfalfa Straw Meal, shall not be applied to any product which does not consist of 80 per cent or more of alfalfa. If it contains less than 80 per cent of alfalfa, it shall be labeled as "Forage Meal."

The term "dehydrated" when applied to alfalfa products shall refer only to those products which have been dried by artificial methods.

(b) **Chopped Alfalfa** is the entire alfalfa hay, without the addition of any alfalfa stems, alfalfa straw, or other foreign material, or abstraction of the leaves, chopped but not ground finely enough to become a meal. It must be reasonably free from other crop plants and weeds, and must not contain more than 30 per cent of crude fiber.

(c) **Alfalfa Meal** is the product obtained from the grinding of the entire alfalfa hay, without the addition of any alfalfa stems, alfalfa

*† For statutory and source citations, see note to §2675.

straw, or foreign material, or the abstraction of leaves. It must be reasonably free from other crop plants and weeds, and must not contain more than 30 per cent of crude fiber.

(d) **Alfalfa Leaf Meal** is the ground product consisting chiefly of leafy materials separated from alfalfa hay. It must be reasonably free from other crop plants and weeds, and must not contain more than 18 per cent of crude fiber.

(e) **Alfalfa Stem Meal** is the ground product remaining after the separation of the leafy material from alfalfa hay or meal. It must be reasonably free from other crop plants and weeds.

(f) **Alfalfa Straw Meal** is the ground product obtained by grinding the straw remaining after separation of the seed. It must be reasonably free from other crop plants and weeds.

(g) **Forage Meal** is the product obtained by grinding a mixture of hay, grasses, weeds, and other plants. It must be free from noxious weeds.*†

2774. Animal Products. (a) **___Per Cent Protein Meat Meal** is the ground, dry-rendered residue from undecomposed animal tissues exclusive of hoof, horn, hair, manure, and stomach contents, except in such traces as might occur unavoidably in good factory practice. It must contain not less than 65 per cent of protein and not more than 3 per cent of phosphorus (P). If it bears a name descriptive of its kind, composition or origin, it must correspond thereto.

(b) **___Per Cent Protein Meat Scraps** is the ground, dry-rendered residue from undecomposed animal tissues, exclusive of hoof, horn, hair, manure, and stomach contents, except in such traces as might occur unavoidably in good factory practice, and containing not more than 4.4 per cent phosphorus (P). If it bears a name descriptive of its kind, or origin, it must correspond thereto.

(c) **___Per Cent Protein Meat and Bone Scraps** is the ground, dry-rendered residue from undecomposed animal tissues exclusive of hoof, horn, hair, manure, and stomach contents, except in such traces as might occur unavoidably in good factory practice, especially prepared for feeding purposes by dry rendering and grinding. If it bears a name descriptive of its kind, or origin, it must correspond thereto.

NOTE.—The terms "Cracklings," "Meat Cracklings," or "Meat and Bone Cracklings" are recognized as trade terms applying to the unground dry-rendered products. When ground and made ready for use, these products must be designated and sold according to the above definitions and standards.

(d) **___Per Cent Protein Digester Tankage, or ___Per Cent Protein Feeding Tankage** is the residue from undecomposed animal tissues exclusive of hoof, horn, hair, manure, and stomach contents, except in such traces as might occur unavoidably in good factory practice, especially prepared for feeding purposes by tanking under live steam. It must not contain more than 4.4 per cent phosphorus (P). If it bears a name descriptive of its kind, composition, or origin, the material must correspond thereto.

(e) **___Per Cent Protein Digester Tankage With Bone, or ___Per Cent Protein Feeding Tankage With Bone** is the residue from undecomposed animal tissues exclusive of hoof, horn, hair, manure, and

*† For statutory and source citations, see note to §2675.

stomach contents, except in such traces as might occur unavoidably in good factory practice, especially prepared for feeding purposes by tanking under live stream. If it bears a name descriptive of its kind, composition, or origin, it must correspond thereto.

(f) **Animal Liver Meal** is the product obtained by drying and grinding liver from slaughtered animals. This product must contain at least 60 micrograms of riboflavin per gram.

(g) **Animal Liver and Glandular Meal** is the product obtained by drying and grinding liver and other glandular tissue from slaughtered mammals. At least 50 per cent of the dry weight of the product must be derived from liver and the product must contain at least 40 micrograms of riboflavin per gram.

(h) **Extracted Animal Liver Meal** is the dried product obtained by removing a large portion of the water soluble vitamins from animal liver meal.

(i) **Glandular Meal** is the product obtained by drying and grinding glandular tissues of slaughtered animals.

(j) **___Per Cent Protein Blood Meal** is ground, dried blood.

(k) **___Per Cent Protein Blood Flour** is dried blood, prepared by special processes and reduced to a fine powder.

(*l*) **Bone Meal** is the dried, ground product suitable for animal feeding, obtained by cooking undecomposed bone in water at atmospheric pressure sufficiently to remove excess fat and meat. It shall not contain less than 23 per cent of protein and shall be labeled to state the minimum per cent of phosphorus (P).

(m) **Steamed Bone Meal** is the dried, ground product suitable for animal feeding, obtained by cooking bones with steam under pressure. It shall be labeled to state the minimum per cent of phosphorus (P).

(n) **Special Steamed Bone Meal** is the dried, ground product suitable for animal feeding, obtained by cooking dried bone after the removal of grease and meat fiber with steam under pressure in the process of obtaining gelatin or glue. It shall be labeled to state the minimum per cent of phosphorus (P).

(o) **Bone Charcoal** or **Bone Black** is the product obtained by charring bones in closed retorts. It shall contain not less than 13.1 per cent phosphorus (P).

(p) **Spent Bone Black** is the product resulting from repeated charring of bone black or animal charcoal after use for clarifying sugar solutions. It shall contain at least 11.5 per cent phosphorus (P).*†

Apple Products

2775. Apple Products. (a) **Dried Apple Pomace** is the sound, dried residue remaining after the removal of cider from apples.

(b) **Dried Apple Pectin Pulp** is the sound, dried residue remaining after the removal of pectin from apple products.*†

*† For statutory and source citations, see note to §2675.

Barley Products

2776. Barley Products. When processed for sale as a feeding stuff, barley shall be designated and sold according to the following standards:

(a) **Ground Barley** or **Rolled Barley** is the product obtained by grinding or rolling barley of such quality that the resulting processed material shall contain not more than 7 per cent of crude fiber.

(b) **Ground Light Barley** or **Rolled Light Barley** is the product obtained by grinding or rolling barley of such quality that the resulting processed material shall contain not more than 9 per cent of crude fiber.

NOTE.—For Net Weight Standard on rolled barley products, see Section 2703.

(c) **Ground Barley with Screenings** is the product obtained by grinding a mixture of barley and grain screenings. It shall contain 50 per cent or more of barley. It shall not contain more than 11 per cent of crude fiber.

NOTE.—Additional terms; such as, "Choice." "Standard," "Rabbit Type," may be used, but they shall be printed in ink of the same color and in type of a smaller size. They shall not be a part of the official name.

(d) **Barley Mill Feed** (Barley Hulls, Barley Middlings) is the entire offal from the milling of barley flour from clean barley, and is composed of barley hulls and barley middlings. When used in a mixed feed it shall be listed in the list of ingredients as Barley Mill Feed (Barley Hulls, Barley Middlings).

(e) **Barley Hulls** is the product consisting of the outer coverings of the barley. When used in a mixture, the maximum percentage present shall be stated.

(f) **Barley Feed** is the entire by-product resulting from the manufacture of pearl barley from clean barley.

(g) **Hulled Barley** is barley from which the hull has been removed.

(h) **Ground Hulled Barley, Rolled Hulled Barley** is the product obtained by grinding or rolling barley from which the hull has been removed.*†

Beet Products

2777. Beet Products. (a) **Dried Beet Pulp** is the dried residue from sugar beets which have been cleaned and freed from crowns, leaves, and sand, and from which the sugar has been extracted.

(b) **Wet Beet Pulp** is the residue from sugar beets which have been cleaned and freed from crowns, leaves, and sand, and from which the sugar has been extracted.

(c) **Dried Chopped Beet Tops** is the dried chopped crowns and leaves of the sugar beet. It must be reasonably free from sand and dirt.

(d) **Feeding Beet Molasses** is a by-product of the manufacture of sugar from sugar beets and shall contain 48 per cent or more of total sugars expressed as invert sugar. Its solution in an equal weight of water shall test not less than 39.75 degrees Brix.*†

*† For statutory and source citations, see note to §2675.

Brewers' and Distillers' Products

2778. Brewers' and Distillers' Products. (a) **Brewers' Dried Grains** is the dried extracted residue of barley malt and/or other cereal grain or grain products resulting from the manufacture of wort.

(b) **Brewers' Slops** or **Brewers' Wet Grains** is the extracted residue of barley malt and/or other cereal grain or grain products resulting from the manufacture of wort.

(c) **Distillers' Corn Dried Grains** or **Distillers' Rye Dried Grains** is the dried residue obtained in the manufacture of alcohol and distilled liquors. The product must bear the designation indicating the cereal predominating.

(d) **Distillers' Corn Wet Grains** or **Distillers' Rye Wet Grains** is the residue obtained in the manufacture of alcohol and distilled liquors. The product must bear the designation indicating the cereal predominating.

(e) **Distillers' Solubles** or **Fermentation Solubles** is the product obtained from the manufacture of alcohol or butyl alcohol by the fermentation process from grain solids, molasses, or sugar syrup by evaporating and drying the residue after removal of the distillation products and wet grains. The label shall bear a statement of origin.

(f) **Condensed Distillers' Solubles** or **Condensed Fermentation Solubles** is the product obtained from the manufacture of alcohol or butyl alcohol by the fermentation process from grain solids, molasses, or sugar syrup by evaporating a portion of the water from the residue after removal of the distillation products and wet grains. The label shall bear a statement of origin and the minimum per cent of solids.

(g) **Malt Sprouts** are the sprouts of the barley grain obtained from malted barley. Sprouts derived from any other malted cereal must be designated by the name of that cereal.

(h) **Yeast Dried Grains** or **Vinegar Dried Grains** is the properly dried residue from the mixture of cereals, malt, and malt sprouts (sometimes cottonseed meal) obtained in the manufacture of yeast or vinegar, and consists of corn or corn and rye from which most of the starch has been extracted, together with malt added during the manufacturing process to change the starch to sugars, and malt sprouts (sometimes cottonseed meal) added during the manufacturing process to aid in filtering the residue from the wort and to serve as a source of food supply for the yeast.

(i) **Yeast Wet Grains** or **Vinegar Wet Grains** is the residue from the mixture of cereals, malt, and malt sprouts (sometimes cottonseed meal), obtained in the manufacture of yeast or vinegar, and consists of corn or corn and rye from which most of the starch has been extracted, together with malt added during the manufacturing process to change the starch to sugars, and malt sprouts (sometimes cottonseed meal) added during the manufacturing process to aid in filtering the residue from the wort and to serve as a source of food supply for the yeast.*†

*† For statutory and source citations, see note to §2675.

Buckwheat Products

2779. Buckwheat Products. **Buckwheat Shorts** or **Buckwheat Middlings** are the portions of the buckwheat grain immediately inside the hull, secured after separation from the flour.*†

Chop

2780. Chop. **Chop** is a ground or chopped feed composed of one or more different cereals. It must bear a name descriptive of the kind of cereal or cereals of which it is composed.*†

Cocoanut Products

2781. Cocoanut Products. **___Per Cent Protein Cocoanut Oil Meal** or **___Per Cent Protein Copra Oil Meal** is the ground residue from the extraction of part of the oil from the dried meat of the cocoanut.*†

Corn Products

2782. Corn Products. (a) **Corn Bran** is the outer coating of the corn kernel, with little or none of the starchy part or germ.

(b) **Corn Feed Meal** is the fine siftings obtained in the manufacture of screened corn chop, screened ground corn, or screened cracked corn with or without its aspiration products added.

(c) **Ground Corn, Corn Meal, Cracked Corn, Corn Chop** is the entire product made by grinding, cutting, or chopping the grains of sound Indian corn, and may be fine, medium, or coarse, and must not contain more than 4 per cent of foreign material.

(d) **Screened Corn Chop, Screened Ground Corn,** or **Screened Cracked Corn** is the coarse portion of corn chop, ground corn, or cracked corn from which most of the fine particles have been removed, and must not contain more than 4 per cent of foreign material.

(e) **Corn Grits** or **Hominy Grits** is the product consisting of the fine or medium sized, hard, flinty portions of sound Indian corn containing little or none of the bran or germ.

(f) **Ear Corn Chops** is corn and cob chopped, without the husk, with no greater proportion of cob than occurs in the ear corn in its natural state.

(g) **Corn Gluten Meal** is that part of commercial shelled corn that remains after the extraction of the larger part of the starch and germ, and the separation of the bran by the process employed in the wet milling manufacture of corn starch or syrup. It may or may not contain one or more of the following: Corn solubles, corn oil meal.

(h) **Corn Gluten Feed** is that part of commercial shelled corn that remains after the extraction of the larger part of the starch and germ by the processes employed in the wet milling manufacture of corn starch or syrup. It may or may not contain one or more of the following: Corn solubles, corn oil meal.

(i) **Maltose Process Corn Gluten Feed** is the dried residue from degermed corn after removal of the starch in the manufacture of malt syrup.

*† For statutory and source citations, see note to §2675.

(j) **Hominy Feed** is a mixture of corn bran, corn germ, and a part of the starchy portion of either white or yellow corn kernels or mixture thereof as produced in the manufacture of pearl hominy, hominy grits, or table meal, and shall contain not less than 5 per cent of crude fat. If prefixed with the words "white" or "yellow," the product must correspond thereto.

(k) **Corn Oil Cake** consists of the corn germ from which part of the oil has been pressed, and is the product obtained in the wet milling process of manufacture of corn starch, corn syrup, and other corn products.

(*l*) **Corn Oil Meal** is ground corn oil cake.

(m) **Corn Germ Cake** consists of corn germ with other parts of the corn kernel from which part of the oil has been pressed, and is the product obtained in the dry milling process of manufacture of corn meal, corn grits, hominy feed, and other corn products.

(n) **Corn Germ Meal** is ground corn germ cake.*†

Cottonseed Products

2783. Cottonseed Products. (a) **Cottonseed Meal** is a product of the cottonseed only, composed principally of the kernel with such portion of the hull as is necessary in the manufacture of oil; provided, that nothing shall be recognized as cottonseed meal that does not conform to the foregoing definition and that does not contain at least 36 per cent of protein. Cottonseed Meal shall be graded and classed as follows:

(1) **___Per Cent Protein Cottonseed Meal; Prime Quality.** Cottonseed meal, prime quality, must be finely ground, not necessarily bolted, of sweet odor, reasonably bright in color, yellowish, not brown or reddish, free from excessive lint, and shall contain not less than 36 per cent of protein. It must be designated and sold according to its protein content. Cottonseed meal with 36 per cent of protein must be termed "36% Protein Cottonseed Meal, Prime Quality," and higher grades similarly designated as "43% Protein Cottonseed Meal, Prime Quality," etc.

(2) **___Per Cent Protein Cottonseed Meal, Off Quality.** Cottonseed meal not fulfilling the above requirements as to color, odor, and texture must be graded "36% Protein Cottonseed Meal, Off Quality," and higher grades similarly designated.

(b) **___Per Cent Protein Cottonseed Cake, Prime Quality** is a product of the cottonseed only, composed principally of the kernel with such portion of the hull as is necessary in the manufacture of oil. It must be firm, but not flinty in texture, of sweet odor, free of mold, and when ground into meal, must produce cottonseed meal, prime quality. It shall contain not less than 36 per cent of crude protein. It must be designated and sold according to its protein content. Cottonseed cake with 43 per cent of crude protein must be termed "43% Protein Cottonseed Cake, Prime Quality," and lower grades similarly designated.

*† For statutory and source citations, see note to §2675.

(c) ___**Per Cent Protein Cottonseed Cake, Off Quality** is cottonseed cake not fulfilling the above requirements as to color, odor, and texture. It must be labeled "43% Cottonseed Cake, Off Quality," and lower grades similarly designated.

(d) ___**Per Cent Protein Whole Pressed Cottonseed, Prime Quality** is the product resulting from subjecting the whole, sound, mature, clean, undecorticated cottonseed to pressure for the extraction of oil, and includes the entire cottonseed less the oil extracted and the lint removed. It must be designated and sold according to its protein content.

(e) ___**Per Cent Protein Ground Whole Pressed Cottonseed, Prime Quality** is whole pressed cottonseed, ground. It must be designated and sold according to its protein content.

(f) ___**Per Cent Protein Cottonseed Feed** is a mixture of cottonseed meal and cottonseed hulls. It must be designated and sold according to its protein content.

(g) **Munsell Color Standard for Cottonseed Cake and Meal, Prime Quality.** Whenever in the definitions reference is made to color of cottonseed cake or cottonseed meal, prime quality, 41 per cent or higher protein cottonseed cake or cottonseed meal shall not be darker in color than Munsell Color Standard "1½ yellow, 5/5," and 36 per cent protein cottonseed cake or cottonseed meal, prime quality, shall not be darker in color than Munsell Color Standard "10 yellow, red 5/5."*†

Garbage

2784. Garbage. (a) **Processed Garbage** or **Processed Kitchen Waste** is composed of dried animal and vegetable waste from garbage collected sufficiently often that harmful decomposition has not set in, and separated from material; such as, crockery, glass, metal, string, and similar materials. Its odor shall not be suggestive of the presence of decomposition, and it shall not contain more than one-fifth of one per cent glass, none of which shall be knife-like or needle-like particles.

(b) **Degreased and Processed Garbage** or **Degreased Processed Kitchen Waste** is composed of dried animal and vegetable waste from garbage collected sufficiently often that harmful decomposition has not set in, and separated from material; such as, crockery, glass, metal, string, and similar materials, and from which excess grease and fats have been removed. Its odor shall not be suggestive of the presence of decomposition, and it shall not contain more than one-fifth of one per cent glass, none of which shall be knife-like or needle-like particles.*†

Grape Products

2785. Grape Products. (a) **Grape Pomace** consists chiefly of seeds and skins left after the juice has been expressed in the production of grape juice or wine.

(b) **Raisin Feed** or **Raisin Stem Meal** is the ground or chopped product obtained in the grading and stemming of raisins. It consists of cull raisins and stems.

*† For statutory and source citations, see note to §2675.

(c) **Raisin Seed Meal** consists of the ground seed obtained in the manufacture of seeded raisins with or without the extraction of part of the oil.*†

Ivory Nut Products

2786. Ivory Nut Products. Ivory Nut Meal is the ground waste material resulting from the manufacture of buttons and similar articles from the vegetable ivory nut.*†

Linseed and Flax Products

2787. Linseed and Flax Products. (a) **___Per Cent Protein Old Process Linseed Cake** is the product obtained after extraction of part of the oil by crushing, cooking, and pressing flaxseed; provided, that the final product contains less than 6 per cent of weed seeds and other foreign material; and provided, further, that no portion of the stated 6 per cent of weed seeds and other foreign material shall be deliberately added. It shall contain not more than 0.5 per cent of acid insoluble ash.

(b) **___Per Cent Protein Old Process Linseed Meal** is old process linseed cake or old process flaxseed cake ground to a meal.

(c) **___Per Cent Protein New Process Linseed Cake** is the product obtained after extraction of part of the oil by crushing, heating, and the use of solvents from flaxseed; provided, that the final product contains less than 6 per cent of weed seeds and other foreign material; and provided, further, that no portion of the stated 6 per cent of weed seeds and other foreign material shall be deliberately added. It shall contain not more than 0.5 per cent of acid insoluble ash.

(d) **___Per Cent Protein New Process Linseed Meal** is new process linseed cake or new process flaxseed cake ground to a meal.

(e) **Flax Plant By-Products** is that portion of the flax plant remaining after the separation of the seed, the bast fiber and a portion of the shives, and consists of flax shives, flax pods, broken and immature flax seeds, and the cortical tissues of the stem. When used in a mixture, the maximum percentage present shall be stated.

(f) **Ground Flaxseed** or **Flaxseed Meal** is the product obtained by grinding flaxseed which has been screened and cleaned of weed seeds and other foreign materials by the most improved commercial process; the final product must contain less than 4 per cent of weed seeds and other foreign materials, and no portion of the stated 4 per cent of weed seeds and other foreign materials shall be intentionally added.

(g) **Unscreened Flaxseed Oil Feed Cake** is the product obtained by extraction of part of the oil from unscreened flaxseed by crushing, cooking, and pressing, or by crushing, heating, and use of solvents. The ingredients must be stated as "partially extracted flaxseed and foreign seeds (wheat, wild buckwheat, pigeon grass, wild mustard, etc.)."

(h) **Ground Unscreened Flaxseed Oil Feed** is the ground, unscreened flaxseed oil feed cake.

(i) **Flaxseed Screenings Oil Feed** is the ground product obtained after extraction of part of the oil by crushing, cooking, and pressing, or by crushing, heating, and use of solvents from the smaller imperfect

*† For statutory and source citations, see note to §2675.

flaxseed, weed seeds, and other foreign materials having feeding value, separated in cleaning flaxseed.*†

Marine Products

2788. Marine Products. (a) ___**Per Cent Protein Fish Meal** is clean, dried, ground tissues of undecomposed whole fish and/or fish cuttings with or without the extraction of part of the oil, and contains not more than 3 per cent of salt (NaCl). If it contains more than 3 per cent of salt (NaCl), the amount of salt must constitute a part of the brand name; provided, that in no case shall the salt content of this product exceed 7 per cent. If it bears a name descriptive of its kind, it must correspond thereto.

(b) ___**Per Cent Protein Fish Residue Meal** is the clean, dried, undecomposed residue from the manufacture of glue from nonoily fish, and contains not more than 3 per cent of salt (NaCl). If it contains more than 3 per cent of salt (NaCl), the amount of salt must constitute a part of brand name; provided, that in no case shall the salt content of this product exceed 7 per cent. If it bears a name descriptive of its kind, it must correspond thereto.

(c) ___**Per Cent Protein Fish Market Scrap Meal** is the clean, dried, ground tissues and/or viscera of fish and other sea food from fish markets, with or without the extraction of part of the oil and contains not more than 3 per cent of salt (NaCl). If it contains more than 3 per cent of salt (NaCl), the amount of salt must constitute a part of the brand name; provided, that in no case shall the salt content of this product exceed 7 per cent.

(d) ___**Per Cent Protein Crab Meal** is prepared from the undecomposed dried waste of the crab industry and contains the shell, viscera, and parts of all of the flesh. It contains not less than 25 per cent of protein and not more than 3 per cent of salt (NaCl). If it contains more than 3 per cent of salt (NaCl), the amount of salt must constitute a part of the brand name; provided, that in no case shall the salt content of this product exceed 7 per cent.

(e) ___**Per Cent Protein Shrimp Meal** is prepared from the undecomposed dried waste of the shrimp industry and contains the head, hull, and/or the whole shrimp, and not more than 3 per cent of salt (NaCl). If it contains more than 3 per cent of salt (NaCl), the amount of salt must constitute a part of the brand name; provided, that in no case shall the salt content of this product exceed 7 per cent.

(f) ___**Per Cent Protein Whale Meal** is prepared from the clean, dried, undecomposed flesh of the whale after part of the oil has been extracted. It contains not more than 3 per cent of salt (NaCl). If it contains more than 3 per cent of salt (NaCl), the amount of salt must constitute a part of the brand name; provided, that in no case shall the salt content of this product exceed 7 per cent.

(g) ___**Per Cent Protein Shark Meal** is the clean, dried, ground tissues of undecomposed whole shark and/or cuttings with or without the extraction of part of the oil. It contains not more than 3 per cent of salt (NaCl). If it contains more than 3 per cent of salt (NaCl), the

*† For statutory and source citations, see note to §2675.

amount of salt must constitute a part of the brand name; provided, that in no case shall the salt content of this product exceed 7 per cent. When used in a mixed feed, it shall be clearly stated as "Shark Meal."

(h) **Cod Liver Oil** is the oil obtained from the livers of *Gadus morrhuae* or other species of the family *Gadidae,* either or both. It shall contain not less than 850 U. S. P. units of Vitamin A and not less than 85 A. O. A. C. chick units of Vitamin D per gram.

(i) **Fortified Cod Liver Oil** is a product consisting chiefly of cod liver oil mixed with other suitable fish oils or fish oil concentrates or Vitamin D, so as to contain not less than 400 A. O. A. C. chick units of Vitamin D per gram and shall be labeled with the minimum guarantee in U. S. P. units of Vitamin A per gram.

(j) **Fortified Sardine Oil** is a product consisting chiefly of sardine oil mixed with other suitable fish oils or fish oil concentrates or Vitamin D, so as to contain not less than 400 A. O. A. C. chick units of Vitamin D per gram and shall be labeled with the minimum guarantee in U. S. P. units of Vitamin A per gram.

(k) **Vitamin A and D Feeding Oil** is either fish or fish liver oil or a blend of two or more of the following: Vitamin A and/or D concentrate, synthetic Vitamin D, fish liver oil, fish oil, or edible vegetable oil. The Vitamin potency shall be stated in A. O. A. C. chick units of Vitamin D and U. S. P. units of Vitamin A per gram.

(*l*) **Vitamin A Feeding Oil** is either fish or fish liver oil or a blend of two or more of the following: Vitamin A concentrate, fish liver oil, fish oil, marine animal oil, or edible vegetable oil. The Vitamin potency shall be stated in U. S. P. units of Vitamin A per gram.

(m) **Vitamin D Feeding Oil** is either fish or fish liver oil or a blend of two or more of the following: Vitamin D concentrate, synthetic Vitamin D, fish liver oil, fish oil, marine animal oil, or edible vegetable oil. The Vitamin potency shall be stated in A. O. A. C. chick units per gram.

(n) **Sardine Oil** or **Pilchard Oil** is the product obtained by extraction of part of the oil from the whole Pacific sardine or pilchard, or from cannery refuse of this species of fish. Its Vitamin D potency shall be stated in A. O. A. C. chick units per gram.

(o) **Tuna Oil** is the product obtained by extraction of part of the oil from the cannery refuse of tuna. Its Vitamin D potency shall be stated in A. O. A. C. chick units per gram.

NOTE.—A. O. A. C. means the Association of Official Agricultural Chemists. U. S. P means the United States Pharmacopoeia.

(p) **Fish Press Water Concentrate** is the product obtained by condensing the liquid resulting from the hydraulic extraction of oil from fish.*†

Milk Products

2789. Milk Products. (a) **Dried Buttermilk** is the product resulting from the removal of water from clean, sound buttermilk derived from natural cream to which no foreign substances have been added, excepting such as are necessary and permitted in the manufacture of butter. It shall not contain more than 8 per cent of moisture, not more

*† For statutory and source citations, see note to §2675.

than 13 per cent of ash, and not less than 5 per cent of butterfat as determined by the Roese-Gottlieb method.

(b) **Evaporated Buttermilk, Concentrated Buttermilk,** or **Condensed Buttermilk** is the product resulting from the removal of a considerable portion of water from clean, sound buttermilk derived from natural cream to which no foreign substances have been added, excepting such as are permitted and necessary in the manufacture of butter. It shall not contain less than 27 per cent of total solids, and not less than 2 per cent of butterfat, and not more than 0.14 per cent of ash for each per cent of solids. This definition does not prohibit the use of a distinctive trade name, provided, it is followed by one of the names given above.

(c) **Dried Skimmed Milk** is the product resulting from the removal of water from clean, sound, skimmed milk. It shall not contain more than 8 per cent of moisture. The label shall state the minimum per cent of lactose (milk sugar).

(d) **Dried Soured Skimmed Milk** is the product resulting from the removal of water from clean, sound, skimmed milk which has been soured by a suitable culture of lactic bacteria. It shall not contain more than 8 per cent of moisture.

(e) **Evaporated Soured Skimmed Milk, Concentrated Soured Skimmed Milk,** or **Condensed Soured Skimmed Milk** is the product resulting from the removal of a considerable portion of water from clean, sound, skimmed milk which has been soured by a suitable culture of lactic bacteria. It shall not contain less than 27 per cent of total solids.

(f) **Condensed Skimmed Milk** is the product resulting from the removal of a considerable portion of water from clean, sound, skimmed milk. It shall not contain less than 27 per cent of total solids.

(g) **Condensed Whey** is the product resulting from the removal of a considerable portion of the water from clean, sound, cheese, or casein whey, either or both. It shall not contain less than 27 per cent of total solids.

(h) **Dried Whey** is the by-product from the manufacture of cheese and/or casein. This product shall contain at least 65 per cent of lactose (milk sugar).

(i) **Cheese Rind** is cooked, partially defatted cheese rind.*†

Mineral Feeds

2790. Mineral Feeds. (a) Mixed feeds containing both feed and more than 5 per cent of mineral ingredients require, in addition to the usual declaration of the chemical feed analysis, a declaration of each ingredient contained therein and the minimum percentages of Calcium (Ca), Phosphorus (P), Iodine (I), and the maximum percentage of salt (NaCl) if same be added. If minerals predominate in the mixture, the usual declaration of the chemical feed analysis, with the exception of protein, may be omitted.

In mineral feeds for which no nutritional properties other than those of a mineral nature are claimed, the usual nonmineral chemical guarantees need not be declared. A declaration shall be made of each ingredient contained therein and the minimum percentage of Calcium

*† For statutory and source citations, see note to §2675.

(Ca), Phosphorus (P), Iodine (I), and the maximum percentage of salt (NaCl) if same be added. In the case of mineral feeds not containing all of these mineral constituents—Calcium (Ca), Phosphorus (P), Iodine (I)—only those present need be declared, but in all cases the maximum percentage of salt shall be stated if the same be added. The mineral ingredients shall be stated in the common English terms if any such terms exist. Since it is impossible to classify separately the drug ingredients and the mineral ingredients, it will be considered:

(1) That all mixtures containing mineral ingredients generally regarded as dietary factors essential for the normal nutrition of animals, and which are sold or represented for the primary purpose of supplying those minerals as additions to rations in which the same mineral factors may be deficient, be classified as mineral feeds.

(2) That all other preparations which are sold or represented primarily for the cure, mitigation, or prevention of disease be classified by this Department as drugs, medicines, and specifics.

(b) **Limestone Grit, Limestone Flour** consists of coarse or finely ground calcium limestone of commercial grade. If it bears a name descriptive of its type, it shall correspond thereto. It shall be labeled as to plainly state the minimum percentage of Calcium Carbonate ($CaCO_3$), and the equivalent amount of Calcium (Ca).

(c) **Shell Grits, Shell Flour** consists of the coarse or finely ground clean shells of oysters, clams, or other mollusks and contains not less than 90 per cent of Calcium Carbonate. If it bears a name descriptive of its kind, it shall correspond thereto. It shall be labeled as to plainly state the minimum percentage of Calcium Carbonate ($CaCO_3$) and the equivalent amount of Calcium (Ca).

(d) **Shell Marl** consists of the ground shells of oysters, clams, or other mollusks with impurities of sand and clay and containing less than 90 per cent of Calcium Carbonate. If it bears a name descriptive of its kind, it shall correspond thereto. It shall be labeled as to plainly state the minimum percentage of Calcium Carbonate ($CaCO_3$) and the equivalent amount of Calcium (Ca).

(e) **Marl** is a natural mixture of chalk, sand, and clay. If it bears a name descriptive of its kind, it shall correspond thereto. It shall be labeled as to plainly state the minimum percentage of Calcium Carbonate ($CaCO_3$) and the equivalent amount of Calcium (Ca).

(f) **Iodized Salt** is common salt (NaCl) containing not less than 0.015 per cent of Iodine, uniformly distributed.*†

Oat Products

2791. Oat Products. (a) **Oat Middlings** is the product consisting of the floury portions of the oat groat obtained in the milling of oats.

(b) **Oat Shorts** is the product consisting of the covering of the oat grain lying immediately inside the hull, being a fuzzy material carrying with it considerable portions of the fine, floury part of the groat obtained in the milling of oats.

*† For statutory and source citations, see note to §2675.

(c) **Ground Oats, Rolled Oats, Oat Chop** consists of the entire product made by grinding, rolling, or chopping whole oats.

(d) **Oat Groats** are the kernels produced from cleaned and dried oats in the process of manufacturing oatmeal.

(e) **Oat Flour** is the bolted product produced in grinding oat groats.

(f) **Hulled Oats,** or **Undried Oat Groats** are the kernels produced from the undried grains in the process of hulling oats.

(g) **Oat Meal,** or **Ground Oat Groats** is the product produced by cutting, cracking, or grinding oat groats.

(h) **Feeding Oat Meal** is the product obtained in the manufacture of rolled oat groats or rolled oats, and consists of broken rolled oat groats, oat groat chips, and floury portions of the oat groats, with only such quantity of finely ground oat hulls as is unavoidable in the usual process of commercial milling. It must not contain more than 4 per cent of crude fiber.

(i) **Rolled Oat Groats, Cracked Oat Groats,** or **Ground Oat Groats** is the product produced by rolling, cracking, or grinding oat groats.

(j) **Oat Mill Feed (Oat Hulls, Oat Shorts, Oat Middlings)** is the entire by-product produced in the manufacture of oat groats, and consists principally of oat hulls with some oat shorts and oat middlings. It must not contain more than 30 per cent of crude fiber. If used in a mixed feed, it shall be called Oat Mill Feed (Oat Hulls, Oat Shorts, Oat Middlings) and the percentage present shall be stated.

(k) **Clipped Oat By-Products** is the by-product obtained in the manufacture of clipped oats. It may contain the light, chaffy material broken from the end of hulls, empty hulls, light immature oats, and dust. It shall not contain any excessive amount of oat hulls. When used in a mixture, the maximum percentage present shall be stated.

(*l*) **Oat Hulls** consists of the fibrous outer hull of the oat. When used in a mixture, the maximum percentage present shall be stated.*†

Palm Products

2792. Palm Products. **___Per Cent Protein Palm Kernel Oil Meal** is the ground residue from the extraction of part of the oil by pressure or solvents from the kernel of the fruit of *Elaeis guineensis* or *Elaeis melanococco.**†

Peanut Products

2793. Peanut Products. (a) **___Per Cent Protein Peanut Oil Cake** is the residue after the extraction of part of the oil by pressure or solvents from peanut kernels as produced under reasonable milling conditions.

(b) **___Per Cent Protein Peanut Oil Meal** is ground peanut oil cake. It must be designated and sold according to its protein content.

(c) **___Per Cent Protein Unhulled Peanut Oil Feed** is the ground residue obtained after extraction of part of the oil from whole peanuts, and the ingredients must be designated as Peanut Meal and Hulls.

*† For statutory and source citations, see note to §2675.

(d) **Peanut Skins** is the inner red skin of the peanut, removed before pressing to extract the oil, or in the process of manufacturing peanut butter, confections, and other products.

(e) **Peanut Hulls** is the outer hull or shell of the peanut. When used in a mixture, the maximum percentage present shall be stated.*†

Rice Products

2794. Rice Products. (a) **Rice Meal** is ground brown rice or ground rice after the hull has been removed.

(b) **Rice Polish** is a by-product of rice obtained in the milling operation of brushing or polishing the grain to furbish the kernel.

(c) **Rice Stone Bran** is the siftings from the materials secured in removing hulls from rice and contains rice germs, broken rice, and some rice hulls.

(d) **Rice Huller Bran** is the product secured by the huller and cones from brown rice and consists mostly of the bran and germ.

(e) **Rice Mill-Run Bran** consists of rice stone bran and rice huller bran combined in the proportions obtained in the usual process of commercial milling.

(f) **Rice Bran Oil Cake Meal** is the product resulting from the extraction of part of the oil from rice huller bran.

(g) **Processed Rice Mill-Run Bran** is the product resulting from the extraction of the water solubles from rice mill-run bran.

(h) **Rice Mill Tailings** consists of rice polish, finely ground rice obtained as an aspiration product from brewers' rice, and may contain some rice bran.

(i) **Ground Rough Rice** or **Ground Paddy Rice** is ground rice from which the hull has not been removed.

(j) **Ground Light Rice** is the product resulting from the grinding of light or immature rice from which the hull has not been removed. It must be reasonably free of unpalatable or injurious weed seeds, sand, dirt, excessive hulls, and straw. When used in a mixture, the maximum percentage present shall be stated.

(k) **Ground Rice Hulls** is the product obtained by grinding the outer coverings of the rice. When used in a mixture, the maximum percentage present shall be stated.*†

Rye Products

2795. Rye Products. (a) **Ground Rye, Rolled Rye** consists of the entire product made by grinding or rolling whole rye grain.

(b) **Rye Bran** is the coarse outer covering of the rye kernel as separated from the cleaned and scoured rye.

(c) **Rye Feed** is the by-product obtained in the usual process of the milling of rye flour from cleaned and scoured rye grain, consisting principally of the mill-run of the outer covering of the rye grain and the germ with small quantities of flour and aleurone.

*† For statutory and source citations, see note to §2675.

(d) **Rye Red Dog** is the by-product obtained in the usual process of the milling of rye flour, consisting principally of aleurone with small quantities of flour and fine bran particles, and must not contain more than 3.5 per cent of crude fiber.

(e) **Rye Low-Grade Feed Flour** consists principally of dark rye flour and small quantities of aleurone and fine bran particles, and must not contain more than 1.5 per cent of crude fiber.

(f) **Rye Middlings** consists of rye feed and rye red dog combined in the proportions obtained in the usual process of milling rye flour.

(g) **Rye Flour Middlings** consists of rye feed, rye red dog, and pure dark rye flour combined in the proportions obtained in the milling of rye flour, and must not contain more than 5 per cent of crude fiber.*†

Screenings

2796. Screenings. The general term **"Screenings"** has, for the purpose of enforcement of the Feeding Stuffs Act, been divided into two classes: **Screenings** and **Light Suctions.** If and when used as, or combined with, feeding stuffs, the official name shall be used.

(a) **Screenings** consist of a mixture of mill or elevator run materials or a combination of varying amounts of materials obtained in the process of cleaning grain and/or seed; such as, inferior, light, or broken grain or seed, weed seeds, knuckles, and joints. They must be relatively free of unpalatable weed seeds, sand, and dirt. They must not contain more than 14 per cent of fiber. If they bear a name descriptive of their kind or origin, they must correspond thereto. Any material of this nature which exceeds the above limits on fiber, shall be classed as *"Light suctions."*

(b) **Light Suctions** is the mixture of materials of little feeding value obtained in the process of cleaning grain and/or seed or recleaning screenings. It consists of weed seed pods, chaff, hulls, straw, joints, and floor sweepings. It must be reasonably free from sticks, string, sand, and dirt. When used in a mixture, the percentage of the same must be shown.*†

NOTE.—See Sections 2706 and 2707, for label requirements on mixtures containing *Light suctions.*

Sorghum Products

2797. Sorghum Products. (a) **Ground Sorghum Grains, Rolled Sorghum Grains** is the product resulting from the grinding or rolling of clean, sound milo, kafir, feterita, and other sorghum grains. If they bear a name descriptive of their source, they must correspond thereto.

(b) **Sorghum Head Chops** is the product consisting of the entire heads of the grain sorghums chopped. If they bear a name descriptive of their kind they must correspond thereto.*†

Soybean Products

2798. Soybean Products. (a) **Ground Soybeans** is the product obtained by grinding whole soybeans without cooking or removing any of the oil.

*† For statutory and source citations, see note to §2675.

(b) ___**Per Cent Protein Soybean Oil Cake** or **Soybean Oil Chips** is the product obtained by crushing, cooking, and removing part of the oil from soybeans.

(c) ___**Per Cent Protein Soybean Oil Meal** is ground soybean oil cake or ground soybean oil chips. If a name descriptive of the process of manufacture; such as, expeller, hydraulic, or solvent extracted, be used, the product must correspond thereto.*†

Velvet Bean Products

2799. Velvet Bean Products. (a) **Velvet Bean Meal** is ground velvet beans containing only an unavoidable trace of hulls or pods.

(b) **Ground Velvet Bean and Pod** is the product derived by grinding velvet beans with the pod. It shall contain no additional pod or other materials.*†

Wheat Products

2800. Wheat Products. (a) **Ground Wheat, Rolled Wheat,** or **Cracked Wheat** is the product obtained by grinding, rolling, or cracking sound wheat.

(b) **Wheat Bran** is the coarse outer covering of the wheat kernel as separated from cleaned and scoured wheat in the usual process of commercial milling.

(c) **Wheat Shorts** consists mostly of the fine particles of wheat bran, wheat germ, and some of the coarser fibrous materials obtained from the "tail of the mill." This product must be obtained in the usual process of commercial flour milling and must not contain more than 7 per cent of crude fiber.

(d) **Wheat Middlings** consists of a small portion of fine wheat bran and germ particles and a large portion of the fibrous offal obtained from the "tail of the mill." This product must be obtained in the usual process of commercial flour milling and must not contain more than 5 per cent of crude fiber.

(e) **Wheat Mixed Feed** or **Wheat Mill-Run** consists of the total wheat bran, wheat shorts, and wheat middlings combined in the proportions obtained in the usual process of commercial flour milling. This product must not contain more than 9 per cent of crude fiber.

(f) **Wheat Red Dog** is the by-product obtained in the usual commercial process of flour milling, consisting principally of aleurone with small quantities of wheat flour and fine wheat bran particles and must not contain more than 4 per cent of crude fiber.

(g) **Wheat Low-Grade Flour** is the by-product obtained in the usual commercial process of flour milling, consisting principally of wheat flour with small quantities of aleurone and fine wheat bran particles and must not contain more than 1.5 per cent of crude fiber.

(h) **Commercial Wheat Germ** is a commercial product obtained in the grinding of wheat, composed chiefly of wheat germs together with some bran and middlings or shorts and shall contain not less than 25 per cent of protein and 9 per cent of fat.

*† For statutory and source citations, see note to §2675.

(i) **Wheat Germ Oil Cake** is the cake secured in the removal of part of the oil from commercial wheat germs and shall contain not less than 29 per cent of protein.

(j) **Wheat Germ Oil Meal** is ground wheat germ oil cake.

(k) **Wheat Germ Oil** is the product obtained by extraction of part of the oil from wheat germ.*†

NOTE.—See Section 2704, for label requirements on wheat products containing screenings.

Yeast Products

2801. Yeast Products. (a) **Yeast** is the product composed of living or dead cells of *Saccharomyces cerevisiae* with impurities not exceeding commercial grade, and shall contain at least 45 per cent of protein on the moisture free basis. Other products of low protein content containing live yeast, which are fed fermented or unfermented, are proprietary feeds and shall be designated as yeast cultures.

(b) **Irradiated Yeast** is yeast which has been irradiated in order to increase its antirachitic potency and shall contain at least 45 per cent protein on the moisture free basis.

(c) **Yeast Culture** is the product composed of yeast grown on malt, in a base of cereal meals and capable of producing active fermentation. The ingredients shall be stated on the label.*†

NOTE.—Products resembling Yeast Cultures but not having the required activity shall be labeled "Inactivated Yeast Culture" followed by the statement "Will Not Produce Fermentation."

Miscellaneous Products

2802. Miscellaneous Products. (a) **___Per Cent Protein ___Oil Cake** is the product obtained after the extraction of part of the oil by crushing, cooking, and pressing, or by crushing, heating, and the use of solvents, from vegetable seeds which have been screened and cleaned of weed seed, hulls, and other foreign materials by the most improved commercial process. A name indicative of the source must be prefixed to the words "oil cake."

(b) **___Per Cent Protein ___ Oil Meal** is oil cake ground to a meal. A name indicative of the source must be prefixed to the words "oil meal."

NOTE.—The minimum percentage of protein shall constitute a part of the brand name of the following: Babassu Meal, Cocoa Bean Meal, or Chocolate Meal, Hempseed Meal, Kapok Meal, Perilla Meal, Poppyseed Meal, Rape Seed Meal, Sesame Meal, and any other oil cake or oil cake meal which is used primarily or generally as a protein concentrate.

(c) **Bakery Waste** is composed of stale bread, pastry trimmings, and other bakery surplus.

(d) **Ground Bean** or **Pea Screenings** is the ground, broken, and culled beans or peas removed from field run beans or peas in the process of recleaning. They must be reasonably free from dirt, pods, and straw.

(e) **Charcoal (vegetable)** is the product obtained by charring in retorts or by other approved methods, hard or soft wood, nut shells, or fruit pits. If it is wood charcoal, it shall bear a designation indicating whether it is hard wood charcoal or soft wood charcoal. Charcoal from nut shells or fruit pits shall be designated as shell charcoal.

*† For statutory and source citations, see note to §2675.

(f) **Dried Citrus Pulp, Citrus Meal** consists of the dried, and ground peel, residue of the inside portions, and occasional cull fruits of the citrus family with or without the extraction of part of the oil of the peel. If calcium oxide or calcium hydrate is added as an aid in processing, the maximum percentage present shall be stated. If it bears a name descriptive of its kind, it must correspond thereto.

(g) **Cocoa Bean Shells** or **Cocoa Bean Hulls** consists of the hard outside coating of the cocoa bean.

(h) **Manioc Meal** or **Tapioca Meal** is the by-product produced in the manufacture of starch from the roots of the cassava plant.

(i) **Feeding Cane Molasses** is the by-product of the manufacture of cane sugar from cane and shall contain not less than 48 per cent of total sugars expressed as invert sugar. Its solution in an equal weight of water shall test not less than 39.75 degrees Brix.

(j) **Ground Cull Nut Meats** or **Ground Nut Meat Screenings** are the ground fragments, immature, and culled nut meats obtained in the cleaning and grading of nut meats. They must be reasonably free of shells, hulls, dirt, and other foreign material.

(k) **Dried Pineapple Pulp** consists of the outer shells or peel of pineapples, and also sometimes the core. It may or may not be pressed to extract the juice before drying.

(*l*) **Feeding Dried Fruits** consists of the culled substandard fruit and/or surplus production of the dried fruit industry. It may contain an artificial color or flavoring matter which has been approved by the Director. It must bear a name descriptive of its kind.

(m) **Ground Straw** or **Chopped Straw** is the product obtained by grinding or chopping cereal or other straws from which the seeds have been removed. It must bear a name descriptive of its kind. When used in a mixture, the maximum percentage present shall be stated.

(n) **Ground Hay** or **Chopped Hay** is the product obtained by grinding or chopping the entire hay without the addition of straw, stems, or foreign material. It must be reasonably free from other crop plants and weeds, and it must bear a designation descriptive of its kind.

(o) **Kelp Meal, Seaweed Meal** is the product obtained by drying and grinding seaweed.

(p) **Riboflavin Supplement** is a feeding material used solely for its riboflavin content and shall contain not less than 40 micrograms per gram of riboflavin. The label shall bear a statement of origin.

(q) **D Activated Animal Sterol** is a product which is obtained by activation of a sterol fraction of animal origin with ultra-violet light or other means. For label identification it may be followed with the parenthetical phrase "Vitamin D." The label shall bear a statement of the minimum Vitamin D potency expressed in Association of Official Agricultural Chemists Chick Units per gram.

(r) **Dried Tomato Pomace** is the product resulting from drying a mixture of tomato skins, pulp, and seeds resulting from the process of extracting the juice of tomatoes.

(s) **Ground Dried Vegetables** is the product obtained by drying and grinding vegetables. It must bear a name descriptive of its kind.

(t) **Chemical and Mineral Compounds**

Recognized English Name and English Synonym, If Any	Article or Substance Indicated by the Name and Synonym
Cupric Sulphate; Copper Sulphate	Crystallized copper sulphate with impurities not exceeding commercial grade.
Ferric Oxide; Red Oxide of Iron	Ferric oxide with impurities not exceeding commercial grade.
Ferrous-Sulphate	Crystallized ferrous sulphate with impurities not exceeding commercial grade.
Dextrose	A refined, crystallized sugar obtained chiefly by the hydrolysis of starch or of a starch-containing substance.
Glucose	A syrup obtained by the incomplete hydrolysis of starch or of a starch-containing substance.
Lactose; Milk Sugar	A sugar obtained from cow's milk.
Magnesium Sulphate; Epsom Salt	Magnesium sulphate with impurities not exceeding commercial grade.
Potassium Bitartrate; Cream of Tartar	Potassium bitartrate with impurities not exceeding commercial grade.
Potassium Nitrate, Saltpeter	Potassium nitrate with impurities not exceeding commercial grade.
Sodium Nitrate; Chili Saltpeter	Sodium nitrate with impurities not exceeding commercial grade.
Sodium Bicarbonate	Sodium bicarbonate with impurities not exceeding commercial grade.
Sodium Chloride; Common Salt	Sodium chloride with impurities not exceeding commercial grade.
Sodium Sulphate; Glauber's Salt	Sodium sulphate with impurities not exceeding commercial grade.
Sulphur	Sulphur with impurities not exceeding commercial grade.
Calcium Phosphate	Tricalcium salt of phosphoric acid with impurities not exceeding commercial grade.
Dicalcium Phosphate	Dicalcium salt of phosphoric acid with impurities not exceeding commercial grade.
Bone Ash	The ash obtained by burning bones with free access of air and containing 15.3–16.6% P.
Precipitated Calcium Carbonate; Precipitated Chalk	Precipitated calcium carbonate with impurities not exceeding commercial grade.
Rock Phosphate	Ground phosphate rock of commercial grade.
Phosphatic Limestone	Ground phosphate—containing limestone of commercial grade.
Dolomitic Limestone; Dolomite	Ground calcium—magnesium limestone of commercial grade. *†

Article 15. Rules and Regulations Governing Printers and Tag Companies Authorized to Print the Feeding Stuffs Tonnage Tax Paid Insignia

2807. Application. Application for authority to print tonnage tax paid insignia must be filed with the Director of Agriculture.*†

Bond

2808. Filing of Bond. Each tag company or printer making application to print "CALIFORNIA FEEDING STUFFS TONNAGE TAX PAID" insignia on feeding stuffs tags, must file with the Director

*† For statutory and source citations, see note to §2675.

of Agriculture a bond in the amount of $1,000 to cover all obligations arising thereunder and guaranteeing collection of the tax prior to the printing of "California Feeding Stuffs Tonnage Tax Paid" insignia on feed tags.*†

2809. Bond Form Supplied. The bond given to the State of California by a tag company or printer shall be on a form supplied by the Department of Agriculture, and such bond must be approved by the Director of Agriculture and must be executed by a recognized Surety Company authorized to do business in California.*†

2810. New Bond or Certificate of Extension Required. Each bond filed with the Director of Agriculture must be renewed annually or a certificate of extension or renewal must be filed annually.*†

Invoices and Tags

2811. Copy of Invoice and Sample Tag Must Be Remitted. Tonnage tax shall be remitted to the Department of Agriculture with a copy of the invoice for the tags and sample tag of each tag printed.*†

2812. Data on Invoices. All invoices must be dated and numbered and must show:

(a) The name of the concern for whom tags were printed.

(b) Description in detail of each line of tags printed showing quantity, name of feed (e.g. "Excelsior Laying Mash"), the weight statement, and amount of tonnage tax at the rate of 4¢ for each ton on each item.*†

Payment of the Tonnage Tax

2813. Checks Covering Tonnage Tax. Checks for payment of tonnage tax represented by printed tax paid insignia shall be made payable to the Cashier, State Department of Agriculture, by concerns ordering the tags, covering the tonnage tax due on each order and must accompany the order to the authorized printer for tags and must immediately upon completion of the order be forwarded to the Department of Agriculture, together with a copy of the invoice. (Tag Companies' or Printers' checks covering the amount of tonnage tax will not be accepted.)*†

Tonnage Tax Paid Insignia

2814. Approved Form of Insignia. The form of insignia used must be approved by the Department of Agriculture.*†

2815. Code Initials. Two initials will be assigned by the Department of Agriculture to each authorized printer, which must be used in the insignia, one at each end of the insignia as directed.*†

*† For statutory and source citations, see note to §2675.

CALIFORNIA ADMINISTRATIVE CODE

(TITLE 3) Department of Agriculture

Cross Reference Table No. 1 indicates the origin of each section of the code. Cross Reference Table No. 2 indicates the disposition in the code of former sections of the Rules and Regulations issued by the Director of Agriculture.

Cross Reference Table No. 1

Origin of California Administrative Code

California Administrative Code Section	*Origin* *Director of Agriculture—Rules and Regulations—Commercial Feeding Stuffs*	
	Regulation	*Section*
2675	1	1
2676	1	2
2681	2	1
2682	2	2
2687	3	1
2688	3	2
2693	4	1
2694	4	2
2695	4	3
2696	4	4
2697	5	1
2698	6	1
2699	6	2
2700	6	3
2701	6	4
2702	6	5
2703	7	1
2704	8	1
2705	8	2
2706	8	3
2707	8	4
2712	9	1
2717	10	1
2718	10	2
2719	10	3
2720	10	4
2725	11	1
2726	11	2
2731	12	1
2736	13	1
2737	13	2
2738	13	3
2739	13	4
2740	13	5
2741	13	6
2746	14	1
2747	14	2
2752	15	1
2753	15	2
2754	15	3
2755	15	4
2760	16	1
2761	16	2
2762	16	3
2763	16	4
2768	17	1

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California Administrative Section	*Origin Director of Agriculture—Rules and Regulations—* Regulation	Section	
2773			Alfalfa Products
2774			Animal Products
2775			Apple Products
2776			Barley Products
2777			Beet Products
2778			Brewers' and Distillers' Products
2779			Buckwheat Products
2780			Chop
2781			Cocoanut Products
2782			Corn Products
2783			Cottonseed Products
2784			Garbage
2785			Grape Products
2786			Ivory Nut Products
2787			Linseed and Flax Products
2788			Marine Products
2789			Milk Products
2790			Mineral Feeds
2791			Oat Products
2792			Palm Products
2793			Peanut Products
2794			Rice Products
2795			Rye Products
2796			Screenings
2797			Sorghum Products
2798			Soybean Products
2799			Velvet Bean Products
2800			Wheat Products
2801			Yeast Products
2802			Miscellaneous Products
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2808	2P	1	" " " "
2809	2P	2	" " " "
2810	2P	3	" " " "
2811	3P	1	" " " "
2812	3P	2	" " " "
2813	4P	1	" " " "
2814	5P	1	" " " "
2815	5P	2	

Cross Reference Table No. 2

Disposition of former sections of the said Rules and Regulations in the California Administrative Code.

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2	2	2682
3	1	2687
3	2	2688
4	1	2693
4	2	2694
4	3	2695
4	4	2696
5	1	2697
6	1	2698
6	2	2699
6	3	2700
6	4	2701
6	5	2702
7	1	2703
8	1	2704
8	2	2705
8	3	2706
8	4	2707
9	1	2712
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12	1	2731
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13	3	2738
13	4	2739
13	5	2740
13	6	2741
14	1	2746
14	2	2747
15	1	2752
15	2	2753
15	3	2754
15	4	2755
16	1	2760
16	2	2761
16	3	2762
16	4	2763
17	1	2768

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		Cottonseed Products	2783
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		Soybean Products	2798
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2P	3	" " "	2810
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(e) A site plan showing the boundaries of the district to be served by the project, the streets, alleys, improved property and buildings (where affected) and other pertinent data.

(f) One copy of the local agency's agreement with an architect or engineer for his services in preparing plans if the work is to be done by contract.

(g) One copy of local agency's entire postwar construction program. (See Rule 1561.)

History: 1. Originally published 11-16-45 (Register 2).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

Article 4. Final Completed Plans, Specifications and Estimates

1580. Final Completed Plans, Specifications and Estimates. One copy of the final completed plans, specifications and estimates is required to be filed with the State before final payment of State's share is made to local agency.

(a) Plans for a specific project shall not be deemed complete until complete drawings and specifications have been prepared in such a manner that any competent mechanic or other builder would be enabled to carry them out, the project could be advertised for bids on a competitive basis, and estimates of cost based upon the completed plans and specifications have been prepared.

(b) For specific projects, such as buildings, requiring separate bids from various construction trades, the work of the mechanical trades shall be set forth on drawings, and explained in specifications separated from those for the general work.

(c) The final estimate from which the estimate of cost of the specific project is determined shall include an itemized list of quantities and unit prices. The estimates covering the cost of a specific project shall include a breakdown of items of work and materials and shall be complete showing both unit cost and totals, and in sufficient detail to permit the Board to review them quickly and accurately.

History: 1. Originally published 11-16-45 (Register 2).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

1581. The completed plans, specifications and estimates shall be prepared in accordance with the best standards of practice of the profession or professions involved, viz., the American Institute of Architects, the American Society of Civil Engineers, the American Society of Mechanical Engineers, etc., and compiled in such manner that they may be accurately reviewed by the Board.

For purposes of identification there shall be shown on each drawing the following information:

(1) Name of local agency.
(2) Title of Project.
(3) Name, signature, address and license or certificate numbers of architects and/or engineers.

History: 1. Originally published 11-16-45 (Register 2).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

1582. The amount of State participation in the cost of preparing the completed plans shall not exceed 3 per cent of the final estimate of cost of the specific project including cost of plan preparation, except in special cases approved by the Board.

1583. If payments made to local agency by the State, based on preliminary estimates, exceed the statutory percentage, the local agency will reimburse the State to the extent necessary.

1584. The State reserves the right to approve or disapprove the final estimates of cost on the basis of comparable prices and wage levels in the area involved. Where original estimates of cost are being revised to current cost levels, the Board in reviewing final estimates of cost may consider, where it deems them applicable, average costs of the year in which such original estimates were prepared, adding thereto or subtracting therefrom the percentage of increase or decrease as shown in the construction cost indexes published by the *Engineering News-Record*, and may limit such increases in accordance with such construction cost indexes.

Article 5. Procedure for Filing Claims for Plans Preparation Reimbursement

(After application has been approved)

1590. Procedure for Filing Claims for Plans; Preparation Reimbursement. (a) Applications for reimbursement or payment of the State's share shall be submitted on forms to be provided by the Director and shall be accompanied by such information and evidence of expenditure as is prescribed by the State Board of Control.

(b) Two copies of all invoices for purchase of materials and supplies or payments to architects and/or engineers for services rendered shall be furnished to support all such expenditures as listed on each claim.

History: 1. Originally published 11-16-45 (Register 2).
2. Amendment filed 10-28-47 as an emergency (Register 10, No. 1).

1591. (a) Costs involved for work performed by local agency's own forces may include in addition to applicable pay rolls, the cost of expendable materials, transportation directly related to the project, office and equipment rental in excess of normal operation, utility services that are in excess of normal operating costs of the applicant and such other proper charges as may be approved by the Board.

(b) When payable or reimbursable from State funds appropriated by the Act, the nature and amount of expense account items of local agency's normally employed forces shall be in accordance with local agency's rules and regulations, if any, but shall not exceed, as to amount, the maximum amounts allowable under the rules and regulations of the State Board of Control adopted under Section 13920 of the Government Code.

1592. The costs for work performed by local agency's own forces shall be limited to salaries of employees, cost of materials and expenses directly attributable to the work. Administrative and supervisorial

cases of travel outside the State an allowance of $12 per day may be claimed. For periods less than a full day the allowance shall be computed at the rates of $5 for hotel, $1.25 for breakfast, $1.75 for lunch, and $2 for dinner. The specific dates for which this allowance is requested shall be stated on the claim together with hour of departure from and return to home or headquarters.*† [Filed 10-10-46; Effective 10-15-46]

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Chapter 5. State Board of Registration for Civil Engineers
Chapter 6. State Board of Cleaners
Chapter 7. Collection Agencies—Secretary of State
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Chapter 9. State Board of Cosmetology
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Chapter 12. State Board of Funeral Directors and Embalmers
Chapter 13. Board of Medical Examiners
Chapter 14. Board of Nurse Examiners
Chapter 15. State Board of Optometry
Chapter 16. Board of Osteopathic Examiners
Chapter 17. California State Board of Pharmacy
Chapter 18. Board of Social Work Examiners
Chapter 19. Structural Pest Control Board
Chapter 20. Board of Examiners in Veterinary Medicine
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Chapter 2. Laboratories
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Subchapter 3. Dry Cleaning Equipment Employing Commercially Moisture-Free Solvent Having a Flash Point (Closed Cup Test) Above 138.5 Degrees Fahrenheit
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Subchapter 7. Wearing Apparel, Minimum Fire Safety Standards

Chapter 2. Registration of Subversive Organizations—Secretary of State

TITLE 20. PUBLIC UTILITIES

Chapter 1. Public Utilities Commission (formerly Railroad Commission)

TITLE 21. PUBLIC WORKS

Chapter 1. Department of Public Works
Subchapter 1. Division of Architecture
Subchapter 2. Division of Highways
Subchapter 3. (California) Toll Bridge Authority

TITLE 22. SOCIAL SECURITY

Chapter 1. Department of Employment
Chapter 2. Department of Social Welfare

TITLE 23. WATERS

Chapter 1. Reclamation Board
Chapter 2. Division of Water Resources—State Engineer—Department of Public Works

regulations applicable to other claims and such other procedures as may be from time to time prescribed. A trainee shall cease to be a trainee when benefit rights provided by Section 57.7 of the act are exhausted or if no valid claim can be established under said section.

Article 25. Miscellaneous Benefit Regulations

250. Performance of Benefit Functions by United States Employment Service.

History: 1. Originally published 4-1-45 (Title 22).
2. Repealer filed 9-23-47 (Register 10, No. 1).

Article 26. Disability

260. Unemployment Compensation Disability Insurance.

History: 1. Originally published 4-1-45 (Title 22).
2. Repealer filed 9-23-47 (Register 10, No. 1).

261. Definitions. Unless the context otherwise requires, the following terms used in Articles 26, 27 and 28 of these regulations relating to Unemployment Compensation Disability Benefits shall have the following meaning:

(a) "Certificate" means the signed statement of a physician, a duly authorized medical officer of any facility of the United States Government (hereinafter referred to as "government medical officer"), dentist, chiropodist, or practitioner, on a form prescribed by the Department, as required by Section 252 of the Act.

(b) "First claim" means the claim initially filed with respect to a single uninterrupted period of disability and certifying to a period of disability. A first claim may be either a "new claim," as defined by Section 200(d) of these regulations, or an "additional claim," as defined by Section 200(e) of these regulations.

(c) "Continued claim" means the claim certifying to a period of uninterrupted disability occurring subsequent to the period covered by the first claim.

(d) "Disability benefits" means the money payments to disabled, unemployed persons as defined in Section 152(b) of the Act.

(e) "Claimant" for purposes of Articles 26, 27 and 28 of these regulations means an individual who has filed a first claim for disability benefits.

(f) Claimant's "authorized representative" means an individual who represents or acts in behalf of a claimant who is incapable of fulfilling the requirements of filing claims for disability benefits, and who is so authorized by a power of attorney or other authorization satisfactory to the Department. Such authorized representative must file with the Department upon a prescribed form a duly sworn affidavit that the claimant, according to information received from the claimant's physician, government medical officer, dentist, chiropodist or practitioner, is incapable of making a claim for disability benefits and that he assumes the

responsibility of acting in behalf of such claimant in accordance with the Act and these regulations.

(g) "Voluntary plan" means a plan for the payment of disability benefits as described in Part 6, Article 10, of the Act.

(h) "Insurer" means an insurance carrier admitted to write disability insurance in the State of California.

(i) "Regular wages" as that term is used in Section 208 of the Act means compensation paid entirely by an employer directly to his employee as a full or partial payment of his remuneration during a period of disability.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 11-12-46 (Register 6).
3. Amendment filed 12-15-46 (Register 6).
4. Amendment filed 9-23-47 (Register 10, No. 1).

262. Eligibility. No individual shall be deemed eligible for disability benefits for any week of unemployment unless such unemployment is due to a disability. If an individual has been neither employed nor registered for work at a public employment office or other place approved by the Commission for more than three months immediately preceding the beginning of a period of disability, he is not eligible for benefits unless the Department finds that the unemployment for which he claims benefits is due to a disability and is not due to his previous withdrawal from the labor market. (Filed 11-12-46; Effective 11-22-46.)

263. Waiting Period.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 11-26-46 (Register 6).
3. Repealer filed 9-23-47 (Register 10, No. 1).

264. Trade Dispute Disqualification. An individual who is disqualified from receiving unemployment compensation benefits under Section 56 of the Act is also disqualified from receiving disability benefits for the period during which, had he not become disabled, he would have continued to be disqualified under Section 56 of the Act. (Filed 11-12-46; Effective 11-22-46.) Originally published 4-1-45 (Title 22).

Article 27. Claims for Disability Benefits

270. Filing a First Claim for Disability Benefits. A first claim may be filed by any person who has been continuously unemployed and disabled for a period of eight consecutive days, provided that a claimant must have been examined by or under the care of a physician, government medical officer, dentist, chiropodist, or practioner during some portion of such period. A claimant's authorized representative may file a claim on behalf of the claimant. A first claim, accompanied by a certificate on a form furnished by the Department to the claimant, must be filed not later than the twentieth consecutive day following the first com-

pensable day of unemployment and disability with respect to which claim is made for benefits, which time may be extended by the Department upon a showing of good cause.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 11-12-46 (Register 6).
3. Amendment filed 9-23-47 (Register 10, No. 1).

270.1. Payment of Disability Benefits Due Deceased Individuals. If a claim for unemployment compensation disability benefits is not filed by an otherwise eligible individual prior to his death, the first claim for such benefits may be filed, in accordance with Regulation 270, by the surviving spouse, or such other persons or person who may be legally entitled thereto. Payment of benefits shall be made upon receipt of a completed First Claim form accompanied by an affidavit executed by such person or persons. The payment by the Commission of such benefits upon receipt of such affidavit, or affidavits, shall discharge the obligations of the Commission to the extent of such payment, without the necessity of inquiring into the truth of any of the facts stated in the affidavit. The Commission shall prescribe the form of affidavit to be executed. (Filed 7-15-47; Effective 7-15-47)

271. Filing a Continued Claim for Disability Benefits. A claimant or his authorized representative may file a continued claim by:

(a) Filing on the prescribed form a separate continued claim for each compensable period not exceeding fourteen (14) days subsequent to the period covered by each first claim and not later than five (5) days following the last compensable day covered by a continued claim or five (5) days from receipt from the Department of the continued claim form, whichever day is later, which time may be extended by the Department upon a showing of good cause, provided that a continued claim may cover an uninterrupted period of disability of more than 14 days in any case where the Department for good cause finds it necessary or desirable.

(b) Furnishing upon request additional evidence, if it can be secured without additional fee to the claimant, of the continuance of his unemployment and disability during the period for which the continued claim is filed. Such evidence shall include a statement as to the facts of his disability by one of the following:

(1) The physician, a government medical officer, dentist, chiropodist, or practitioner attending the claimant.

(2) An authorized representative of the hospital or other recognized health facility in which the claimant is confined or receiving treatment.

(3) An examining physician or other authorized representative of the Department.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 11-12-46 (Register 6).
3. Amendment filed 9-23-47 (Register 10, No. 1).

272. Claims May Be Filed by Mail. All claims and other required documents relating thereto may be filed by mail except in those cases where the claimant is notified by the Department that a personal appearance or examination will be required. Filing by mail shall be deemed complete at the time of deposit in the mail, in a sealed envelope, with postage paid, addressed to the Department. (Filed 11-12-46; Effective 11-22-46.)

273. Interstate Claims. Disability benefits shall not be payable to any claimant who is unemployed and disabled while outside of this State, unless the claimant complies with Sections 270 and 271 of this Article.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 11-12-46 (Register 6).
3. Amendment filed 9-23-47 (Register 10, No. 1).

274. Notices From the Department to Employing Units. (a) A notice of the filing of a first claim for disability benefits shall be mailed or delivered to the claimant's most recent employing unit.

(b) A notice of computation of weekly benefit rate and maximum benefit amount on each valid claim shall be mailed or delivered to each of the claimant's base period employers; provided such notice shall not identify wages paid to the claimant by other employers.

(c) A notice of determination shall be mailed or delivered to any employing unit which has furnished the Department with information required in accordance with Section 275 of these regulations.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 11-12-46 (Register 6).
3. Amendment filed 9-23-47 (Register 10, No. 1).

275. Notices Required From Employing Units. (a) Within two working days after receipt of a notice of the filing of a claim or if there has been a termination of the claimant's service within five days after such termination whichever is the later, the last employer shall notify the Department of any information known to him which may bear upon the eligibility of the claimant.

(b) Any base period employer other than the last employer shall, within seven days after receipt of the notice of computation mentioned in Paragraph (b) of Section 274, furnish the Department with an information bearing upon the eligibility of the claimant.

(c) If, after receipt of any notice as provided in Section 274, an employing unit acquires information which may render the claimant ineligible for benefits and the information could not reasonably have been known when the notice was received, such employing unit shall immediately forward the information to the Department.

(d) With respect to a particular notice, if good cause is shown therefor, an employing unit may be granted additional time in which to comply with the requirements of this section.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 11-12-46 (Register 6).
3. Amendment filed 9-23-47 (Register 10, No. 1).

276. Appeals by Employing Units. (a) The claimant's most recent employing unit or any base period employer who covered the claimant under a voluntary plan during any part of his base period may become an interested party and may file an appeal from any determination, notice of which he is entitled to receive in accordance with Section 274, provided such employing unit or employer has furnished the Department with notice pursuant to Section 275.

(b) Such appeal shall be filed within seven days after notification of the determination as provided in Section 274, or within seven days

after the date such notification was mailed to the last-known address of the employing unit unless good cause for late filing is shown.

History: 1. Originally published 4-1-45. (Title 22.)
2. Amendment filed 11-12-46. (Register 6.)
3. Amendment filed 9-23-47. (Register 10, No. 1.)

277. Notices to Claimants. A claimant shall be notified in writing of any determination on his claim and of the reasons for any denial of his claim. (Filed 11-12-46; Effective 11-22-46.)

278. Filing of Appeals by Claimants. (a) A claimant, within seven days after receipt of a notice of computation of weekly benefit rate and maximum benefit amount, may file a request for reconsideration thereof.

(b) A claimant aggrieved by any determination may file an appeal therefrom within seven days after notification thereof or within seven days after the date such notification was mailed to his last-known address; provided, that if reconsideration of a computation has been requested pursuant to Paragaraph (a), the claimant may file an appeal from the action on such request within seven days after notification thereof or within seven days after the date such notification was mailed to his last-known address.

(c) A claimant may for good cause be granted additional time in which to comply with the requirements of this section.

History: 1. Originally published 4-1-45. (Title 22.)
2. Amendment filed 11-12-46. (Register 6.)
3. Amendment filed 9-23-47. (Register 10, No. 1.)

279. Rules on Appeal. Articles 30 through 34 of these regulations relating to practice and procedure before the California Unemployment Insurance Appeals Board, including any amendments or modifications thereof which may be hereafter made, shall govern appeals in disability benefit cases; provided, however, that a claimant may request a closed hearing pursuant to Section 253 of the Act, and provided further that the medical records of the Department shall be confidential pursuant to Section 254 of the Act. (Filed 11-12-46; Effective 11-22-46.)

Article 28. Voluntary Disability Plans

280. Application for Approval—General Provisions. An employer or a majority of the employees employed in this State by an employer, or both, may apply to the Department for approval of a voluntary plan for the payment of disability benefits to the employees so electing. Such applications shall be submitted in such manner and on such forms as may be prescribed by the Department.

The employer or a group of employees may appoint an admitted insurer or any other person, group or association to act as his or their representative in matters relating to the voluntary plan; provided, however, that such appointment of a representative shall not deprive the employer, the group of employees or any individual employee, or any such employee's duly authorized representative of the right of self-representation before the Department or the Appeals Board.

As used in this Article the term "disability benefits" means "unemployment compensation disability benefits" as the latter term is defined in Section 152(b) of the Act. Unless clearly otherwise provided in the Act or in these regulations, the provisions of the Act and of these regulations applying to the rights of individuals eligible for disability benefits payable from the Disability Fund are equally applicable to disability benefits payable under a voluntary plan.

Disability benefits (benefits payable as indemnification for loss of wages) under a voluntary plan shall be stated in the plan both as to benefit provisions and as to contributions payable by the employees separately from those pertaining to any other benefits (such as medical care, hospitalization, permanent disability, death, etc.) which may be offered with the plan.

The filing of a valid claim for disability benefits under an approved voluntary plan shall establish a valid claim (i.e., establishment of a benefit year, with maximum amount and weekly rate determined under Sections 53 and 54 of the Act) for unemployment compensation. The filing of a valid claim for unemployment compensation shall establish a valid claim as to a benefit year for disability benefits under an approved voluntary plan. A voluntary plan, however, may as a more favorable feature allow disability benefits irrespective of the amount of unemployment compensation that may be payable or may have been paid to an individual during a benefit year. If an individual is paid disability benefits under a voluntary plan for a period with respect to which he could not file a valid claim because of insufficient wages in his base period, the amount of such benefits shall not be deducted from the amount of unemployment compensation benefits or disability benefits to which he may be entitled at a later time when his base period includes sufficient wages to permit him to file a valid claim for unemployment compensation; provided that any benefit payment under a voluntary plan during a period of disability shall establish a benefit year for both unemployment compensation and unemployment disability benefits if for the week for which such a payment is made the individual at that time has sufficient wages in his base period to permit the filing of a valid claim for unemployment compensation. (Filed 11-12-46; Effective 11-22-46.)

281. Minimum Required Provisions. (a) To be approved by the Department a voluntary plan must meet each of the following minimum provisions and in addition provide to the employees covered thereby rights greater than those provided by Part 2 of Article 10 of the Act.

(b) Weekly Rate. Each voluntary plan must provide weekly rates of benefit payments such that each individual covered thereby may be eligible to a weekly rate equal to not less than the weekly rate for which the individual would be eligible under the Disability Fund but for his inclusion in the voluntary plan. Nothing herein shall preclude a plan or plans from affording simultaneous coverage under two or more voluntary plans as described in Section 290 of these regulations.

(c) Duration of Benefits. Each voluntary plan must provide to each individual covered thereby not less than the same number of benefit years to which he would otherwise be entitled under Part 2 of Artcle 10 of the Act and must also provide a maximum total amount of benefits

such that each individual covered thereby may be entitled during a benefit year to benefits in a total amount and for a maximum period equal to not less than that which would be payable from the Disability Fund but his inclusion in the voluntary plan.

(d) Eligibility for Benefits. No voluntary plan may impose restrictions on or exclusions from eligibility for benefits in respect to individuals covered by such plans in such manner as to deny benefits which would be payable to the individual from the Disability Fund but for his inclusion in the voluntary plan.

(e) No voluntary plan may require payments by the employees covered thereby of contributions (including amounts designated as premiums) for disability benefits in amounts greater than would be required of such individuals if they were covered by the Disability Fund. The contributions required of any employee including those made to the Disability Fund shall not exceed an amount equivalent to 1% of the first $3,000 of wages paid by any one employer for any one calendar year.

(f) On and after January 1, 1948, each voluntary plan, in addition to the other requirements of the Act and these regulations, must provide for daily accrual of benefits to each individual covered thereby such that for each uninterrupted period of disability the individual shall receive not less than he would have received under the Disability Fund for such period of disability.

(g) Each employee covered by a voluntary plan shall be furnished either an individual certificate or a copy of a written or printed statement which the Department has found accurately and fully states the essential features of the rights and benefits (including ineligibility and disqualification provisions) to which the employee is entitled under the plan.

History: 1. New section filed 11-12-46. (Register 6.)
2. Amendment filed 10-9-47. (Register 10, No. 1.)

282. Eligibility Upon Cessation of Coverage-Sharing of Benefit Costs. (a) An individual who has ceased to be covered by an approved voluntary plan, whether by termination of the plan, change of employers, or other reason, shall, if otherwise eligible, thereupon immediately become entitled to benefits from the Disability Fund, regardless of any previous exemption from contributions under Section 455 of the Act. In computing the amount of benefits to which such an individual may be entitled from the Disability Fund during the remainder of a benefit year during a portion of which he received benefits under a voluntary plan, the amount of all benefits, at a weekly rate not exceeding his weekly benefit rate pursuant to Section 203 of the Act, paid or to be paid to him under all approved voluntary plans during that benefit year, whether before or after cessation of coverage, shall be deducted from the benefits payable from the Disability Fund during that benefit year.

(b) (1) No voluntary plan shall be approved unless the employer or the group of employees making application for approval of the plan, or the insurer, as the case may be, agrees to pay to the Disability Fund the amount of "net extended liability charges" as determined under this section.

(2) A special extended liability account shall be maintained by the Department for each voluntary plan. If there

is a change in employer or insurer but an approved plan is continued in force and the successor employer or insurer assumed the obligations and liabilities of the predecessor under the plan, the special account for the plan shall be transferred to the successor. Benefits paid from the Disability Fund to any individual who was covered by an approved voluntary plan during all or part of his base period and whose disability commenced either (a) while covered by a voluntary plan, or (b) during a period of unemployment which began with a layoff, leave of absence, or termination of employer-employee relationship, shall be prorated in the proportion that (i) base-period wages exempt under Section 455 under each of the voluntary plans involved, and (ii) all other base period wages bear to the total base period wages. That portion of benefit payments allocated to base period wages under each of the plans included in Item (i) shall be charged to the extended liability account of each of the voluntary plans involved.

(3) The term "net extended liability charges" means the charges standing in the special account of any voluntary plan. As of December 31st of each year the Department shall assess against the employer, employee group or insurer, as the case may be, the amount of net extended liability charges, if any, for the year ending on that date, provided, however, that the provisions of Section 309 of the Act for years beginning on and after January 1, 1948, shall supersede the provisions of the preceding paragraph of this section as to the method of making assessments in respect to extended liability charges, but all assessments for periods prior to January 1, 1948, properly made under this section of the regulations shall remain in full force and effect. All amounts so assessed shall be assessed and collected under Section 45.5 of the Act, except that interest shall not accrue on such charges until 30 days after notice of such assessment.

(c) For the purposes of Section 309 of the Act an uninterrupted period of disability shall be deemed to commence after termination of employment if it commences (1) during a period of unemployment which began with a termination of the employer-employee relationship or with a layoff or a leave of absence without pay, provided such leave or layoff extended for a period of more than two weeks before the disability commenced or (2) during a period of work in agricultural labor or other kind of service excluded from subject "employment" under the Act.

(Effective Date: January 1, 1948.)

History: 1. New section filed 11-12-46. (Register 6.)
2. Amendment filed 10-9-47, Effective 1-1-48. (Register 10, No. 1.)

283. Extent and Period of Coverage. (a) A voluntary plan must be made available to all California employees employed by the employer, or all such employees employed in the separate establishment of the employer, as the case may be, without restrictions or exclusions, except that the plan need not be made available to:

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be filed within 10 days after notification of the determination of the Department with respect to the matter in dispute. Such period may be extended upon a showing of good cause.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 9-23-47 (Register 10, No. 1).

304. Determination of Filing Date. (a) Any appeal or petition shall be deemed filed on the day the appeal or petition is delivered to any local office of the Department, or if mailed, the petition or appeal shall be deemed filed upon the postmarked date appearing on the envelope in which the appeal or petition is mailed, provided, postage is prepaid and the envelope is properly addressed to one of the offices of the Department or to any public official if a specific protest is made to a disputed benefit determination.

(b) Whenever by the act or regulations adopted pursuant thereto, a time is provided within which an appeal or petition must be filed, such time shall be computed by excluding the first day and including the last day unless the last day is a Sunday or holiday or both, in which event the appeal or petition shall be considered timely filed if delivered to the Department or postmarked upon the next succeeding business day.

Article 31. Hearings on Appeal

310. Method of Proceeding. (a) In all proceedings before the Appeals Board, a Referee, or an Examiner, there shall be afforded parties thereto a reasonable opportunity for a full, fair and impartial hearing. A Referee or the Appeals Board may order the taking of interrogatories and depositions within or without the State as may be required, which shall be taken before an official designated by the Referee or the Appeals Board.

(b) In any proceedings before it, the Appeals Board may delegate to one of its members or to a special examiner or a Referee the taking and hearing of evidence.

(c) A Referee or the Appeals Board may require the submission of written briefs, affidavits or other written memoranda, or order a hearing to secure additional facts. In any proceeding before the Appeals Board the original and five copies of any briefs, affidavits or other written memoranda shall be filed and a copy thereof shall be mailed by the Appeals Board to any other party to the proceedings.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 9-23-47 (Register 10, No. 1).

311. Divided Hearings. Where, because of the distance involved, it is impracticable or impossible for all parties to a proceeding to appear at the same place of hearing, the Appeals Board, Referee, or Examiner may direct that the testimony of each of such parties be taken successively at places of hearing within the State convenient to each party. In such event, the testimony and evidence adduced at hearings previously conducted in the same matter shall be made available to the parties at the second hearing upon request.

312. **Additional Hearings Before Appeals Board.** (a) In the event a full hearing before a Referee or Examiner has been afforded the parties in any proceeding, the Appeals Board in its discretion may decline to receive further evidence and may limit the parties to oral argument; the filing of written argument or briefs; or the Appeals Board may determine the matter upon the record. If a proper determination of any matter before the Appeals Board requires the production of further evidence, an additional hearing may be ordered before the Appeals Board or any member thereof, or before a Referee or Examiner.

(b) Notice of the time and place of any additional hearing and the manner in which it shall be conducted shall be in accordance with the provisions of these rules of practice and procedure relating to original hearings.

(c) The evidence to be produced at any additional hearing shall be as directed by the Appeals Board and may be limited only to those points at issue upon which evidence was not taken or insufficient evidence was taken at any prior hearing. Unless the additional hearing is held before a majority of the Appeals Board, a transcript of the evidence taken together with a report thereon shall be returned to the Appeals Board by the person conducting such additional hearing.

313. **Adjourned Hearings.** (a) At the discretion of the Appeals Board, Referee, or Examiner or at the request of any party to the proceeding upon a showing of good cause for such request, any hearing may be adjourned to be reconvened at another time or place. Reasonable and proper notice of the time and place of the adjourned hearing shall be given to all parties to the proceeding. Adjournment of hearings and the giving of notice of the time and place of the adjourned hearing shall rest in the sound discretion of the Appeals Board, Referee, or Examiner, but in no case shall there be an unreasonable delay.

(b) Whenever prior to or in the course of a hearing it appears that an investigation or pay roll examination is necessary to aid in the determination of the case, the Appeals Board, Referee or Examiner may request such investigation or pay roll examination to be made and adjourn the hearing pending the receipt of the report of such investigation or examination.

314. **Notice of Hearings.** (a) All hearings shall be scheduled at the earliest possible date. Written notice of the time and place of any hearing shall be given the parties at least five days before the date of the hearing but a shorter notice period may be used if not prejudicial to the parties; provided, that notice of the time and place of any hearing held in accordance with Section 45.9 of the act relating to the recordation of a summary certificate shall be given to the employer at least 15 days in advance thereof.

(b) A party to whom notice of any hearing has been sent shall be ready and present with all evidence and necessary witnesses at the time and place specified and shall be prepared to dispose of all issues and questions involved in the proceeding.

(c) Notice of hearing shall be served upon a party or his duly authorized representative and may be personal, by delivery to the party

or his duly authorized representative on whom the service is to be made, or it may be by mail. In cases of service by mail the notice of hearing shall be deposited in the United States Post Office in a sealed envelope with postage paid addressed to the last-known address of the person on whom it is to be served.

315. Conduct of Hearings. (a) Hearings before the Appeals Board, a Referee, or an Examiner shall be conducted informally and in such order and manner and with such methods of proof and interrogation as may be deemed most suitable to ascertain the facts and to determine the substantial rights of the parties. In the hearing of any matter and provided no substantial right of any party will be prejudiced thereby, evidence may be received upon any issue relevant to the claim or to any question involved therein.

(b) The decision of the Referee or the Appeals Board on any appealed benefit determination shall not be limited to the issue involved in the determination from which an appeal is filed, provided, however, that neither the Appeals Board nor a Referee shall consider and pass upon the eligibility or disqualification of a claimant for benefits during weeks preceding the beginning date of ineligibility or disqualification as fixed by the determination of the Department unless it appears there has been nondisclosure or misrepresentation of a material fact in connection with a claim for benefits or wilful fraud within the meaning of Section 58(d) of the act. In the event it appears that the rights of any party to a proceeding will be prejudiced by the consideration of and passing upon issues or questions not set forth as a ground upon which the appeal is sought, an adjournment of the hearing shall be granted in accordance with the provisions of Section 313 of this Article.

(c) In any hearing the Appeals Board, Referee, or Examiner shall not be bound by common law or statutory rules of evidence and procedure. The taking of testimony at any hearing shall be under oath or by affirmation and any party to an appeal or petition may present such evidence orally or in writing and examine such witnesses as may be pertinent. The Appeals Board, Referee, or Examiner may question any party and his witnesses; and may order the introduction into evidence of any relevant and material records of the Department.

316. Representation at Hearings. Any individual may appear for himself in any proceeding before the Appeals Board, Referee, or Examiner, or he may be represented by an individual authorized to act for him. The Appeals Board, Referee, or Examiner at their discretion may refuse to allow any person to represent others in any proceeding who is guilty of unethical conduct or who intentionally and repeatedly fails to observe the provisions of the act, the regulations and instructions of the Commission, or these rules of practice and procedure.

317. Disqualification for Interest. No member of the Appeals Board, a Referee, or an Examiner shall participate in the hearing of any appeal or petition, or the decision with respect thereto in which such member of the Appeals Board, Referee, or Examiner has an interest. Any challenges to the interest of a Referee or Examiner if questioned by the Referee or Examiner shall be referred to the Appeals Board. A

challenge to the interest of any member of the Appeals Board shall be made to and decided by the other members of the Appeals Board.

318. Consolidation of Proceedings. Any number of proceedings before the Appeals Board, a Referee, or an Examiner may be consolidated for the purpose of hearing when the facts and circumstances are similar in nature and no substantial right of any person will be prejudiced thereby. Notice of such consolidation shall be given to the parties or their representative.

Article 32. Conduct of Proceedings

320. Oral Argument Before Appeals Board. In any proceeding before the Appeals Board or a member thereof, an opportunity for oral argument upon the existing record may be afforded any interested party to the proceedings or his representative upon written request setting forth the basis and the points upon which it is desired to present oral argument. The Appeals Board will consider such request and in its discretion may allow or deny it. If opportunity for oral argument is denied, the party making the request therefor shall be allowed not to exceed twenty days from the date of receipt of the transcript within which a brief may be filed. If a brief is filed, copies thereof shall be served upon any other interested party, who shall be allowed not to exceed ten days within which to submit an answering brief. An additional ten days may be allowed for the filing of a closing brief. The manner in which oral argument may be presented and the length thereof shall be determined by the Appeals Board. (Filed 1-17-47; Effective 1-17-47)

321. Removed and Remanded Cases. (a) The Appeals Board may on its own motion, affirm, modify, or set aside any decision of a Referee on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence. The Appeals Board may also remove to itself or transfer to another Referee the proceedings on any matter pending before a Referee.

(b) Whenever the Appeals Board on its own motion removes to itself or transfers to another Referee any proceeding pending before a Referee and the matter is remanded by the Appeals Board to a Referee for hearing, it shall be promptly placed upon the calendar for hearing as a preferred case. The Referee shall thereupon take such action as is necessary to comply with the order of the Appeals Board remanding the case.

322. Transcription of Testimony. (a) All testimony at any hearing except hearings held under Section 45.9 of the act shall be recorded, but need not be transcribed unless the disputed claim is further appealed or unless the transcription is ordered by the Appeals Board or the Referee.

(b) At the request of any party to the proceeding, a copy of the transcript of any hearing, if the disputed claim has been further appealed, or in the event such case has been ordered transcribed by the Appeals Board, or the Referee, will be made available without charge at the office of the Department nearest the place of business or residence

of the person making the request. The transcript may be inspected at such office during the usual business hours of the Department.

(c) In the event any party to a proceeding desires to purchase a transcript of the evidence taken before the Appeals Board, a Referee, or an Examiner at any hearing, a charge for the transcript shall be made of 20 cents for each page.

323. Dismissal of Proceedings. (a) When, after due notice of time and place of hearing or an adjourned hearing, any party fails or neglects to appear at a scheduled hearing, the appeal or petition may be decided upon the basis of the evidence available or it may be dismissed or evidence taken from the party appearing and the case disposed of in accordance with such evidence. All parties to the proceeding shall be notified of the dismissal and the reasons therefor. A proceeding may be dismissed for failure to prosecute an appeal or petition without good cause within a reasonable time.

(b) Any proceeding dismissed by reason of the failure of any party to appear at a scheduled hearing or for failure to prosecute may be reopened by the Referee provided good cause is shown for such failure and an application for reopening of the proceeding is made within 10 days after mailing or notification of the order of dismissal.

324. Withdrawal of Proceedings. A pending appeal or petition with the approval of the Referee, Examiner, or the Appeals Board, as the case may be, may be withdrawn and discontinued by the party filing such appeal or petition either in writing or by oral consent given at the time of hearing. All parties to the proceeding shall be notified of the withdrawal thereof.

Article 33. Decision on Appeals

330. Rendering of Referee's Decisions. (a) Upon the completion of any hearing on an appeal to a Referee, the Referee shall promptly render his decision which shall be reduced to writing and signed by the Referee. The decision shall set forth the statement of facts involved, the reason for the decision, and the decision.

(b) A copy of the written decision shall be mailed to all parties to the decision who shall be advised at such time of their right of further appeal to the Appeals Board and the method by which such appeal may be taken pursuant to law.

(c) The decision of the Referee on a disputed benefit claim shall be final and benefits paid or denied in accordance therewith unless any party to the decision files an appeal to the Appeals Board within 10 days after the date of notification or mailing of such decision or unless the decision of the Referee is set aside by the Appeals Board pursuant to Section 72 of the act.

(d) If a Referee affirms a determination allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, unless the decision of the Referee is set aside by the Appeals Board pursuant to Section 72 of the act.

331. Decisions of the Appeals Board. (a) A decision of the Appeals Board shall be reduced to writing and signed by the members of the Appeals Board or a majority thereof. Such decision shall contain a statement of facts upon which the decision is based, reasons for the decision, and the decision.

(b) Decisions of the Appeals Board on appeals from the decisions of a Referee on a disputed benefit claim shall be rendered within 60 days after the filing of the appeal unless the Appeals Board requires the taking of further evidence, in which case the hearing on the appeal shall be commenced within 60 days after the filing of an appeal, and in the latter case, the decision of the Appeals Board shall be rendered within 60 days after completion of such hearing.

(c) If a decision of the Appeals Board is not unanimous the decision of the majority of the Appeals Board shall control. The minority in its discretion may file a written dissent from the decision of the majority setting forth the reason for the dissent.

(d) Decisions of the Appeals Board shall be sent promptly to all interested parties and shall be made available for public inspection in any office of the Department or at the central office of the Department at 1025 P Street, Sacramento 14, California.

332. Reopening and Reconsideration of Cases. On application duly made, the Referee, or the Appeals Board on its own motion may revise a decision for the purpose of correcting clerical or typographical errors. Other than for the correction of clerical or typographical errors, a decision of the Appeals Board in any matter pertaining to the payment of a benefit claim, the collection or computation of contributions, or the propriety of a charge against an employer's account shall be final and not subject to reopening, reconsideration, or rehearing except for such action as may be taken before a judicial tribunal as permitted or required by law.

Article 34. Miscellaneous Regulations Relating to Appeals

340. Inspection of Departmental Records. (a) Orders for the production or inspection of records of the Department may be issued in any proceeding before the Appeals Board, a Referee, or an Examiner, but only to the extent necessary for the purposes of the proceeding and to enable any party to the proceeding to fully discharge his obligation or safeguard his rights under the act.

(b) A request for the production or inspection of records of the Department shall be addressed to the Appeals Board, Referee, or Examiner, as the case may be, or may be made through a local office of the Department, and shall state clearly the nature of the information desired and the reason therefor. The Appeals Board or any member thereof, or the Referee, or the Examiner may determine whether or not the request shall be granted and, if granted, inspection of the requested records may be allowed or a copy of the records may be furnished.

341. Issuance of Subpenas. (a) The Appeals Board or any member thereof and Referees and Examiners shall have the power to administer oaths, take depositions, certify to official acts, issue subpenas

to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records.

(b) Subpenas to compel the attendance of witnesses or the production of records for any hearing, unless directed to be issued at the instance of the Appeals Board, Referee, or Examiner shall be issued only on application made to the Appeals Board, any member thereof, to a Referee, or to an Examiner, upon a showing of necessity therefor by the party applying for the issuance of the subpena.

(c) Subpenas for the production of documentary evidence shall issue upon application in writing which shall specify in particularity the documents to be produced, the party having such documents in his possession, and shall set forth in detail the materiality thereof to the issues involved and shall state that the witness has the desired documents in his possession or under his control.

342. Witness Fees. (a) Witnesses subpenaed for any hearing shall be paid by the Department, witness and mileage fees, at the rate of $1.00 for each day's attendance at such hearing, together with an additional 10 cents for each mile actually traveled in going only to the place of attendance.

(b) Fees for attendance at any hearing must be claimed by filing a written demand therefor not later than 10 days after the date of the hearing and if not claimed within such time, no fees shall be allowed. No witness or mileage fees shall be allowed a witness appearing at any hearing or proceeding who has not been subpenaed.

343. Fees of Counsel or Other Agent. (a) When a claimant for benefits is represented at any hearing by an attorney or a duly authorized agent, the Appeals Board or the Referee may require such attorney or agent to submit in writing or by oral testimony a statement of his claim for compensation for such services, setting forth in detail the nature of the services rendered for the claimant and the amount charged or received or to be charged or received for such services.

(b) In the event the Referee has doubt as to the propriety of the charges made or to be made by the attorney or the agent, the Referee shall request the Appeals Board to pass upon the reasonableness of the fees.

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CHAPTER 2. DEPARTMENT OF SOCIAL WELFARE

The Department of Social Welfare has under the authority contained in the Welfare and Institutions Code, specifically Sections 114, 118, 118.1, 1511, 1560, 1621, 2301, 2354 and 3075 thereof, issued Rules and Regulations and Minimum Standards as listed below:

1. Manual of Policies and Procedures (Public Assistance Programs of Aid to the Blind, Aid to Needy Children, and Old Age Security under the Social Security Act).
2. Manual of Adoption Policies and Procedures.
3. Standards for Parent-Child Homes.
4. Minimum Requirements for Private Homes for Aged Persons.
5. Standards for Foster Home Care for Children.
6. Standards for Maternity Homes for the Unmarried Mothers.
7. Standards for Nurseries for Infants Under Two Years of Age.
8. Standards for Childrens' Institutions.
9. Standards for Day Nurseries.
10. Standards for Day Care of Children.
11. Standards for Institutions for Aged.
12. Standards for Life Care—Certificate of Authority.
13. War Services Handbook.

These Rules and Regulations and Standards so issued, are for the present, separately published, not as a part of the California Administrative Code.

Information concerning same and copies thereof may be purchased from the Department of Social Welfare, Sacramento, California.

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neglects to appear at a scheduled hearing, the appeal or petition may be decided upon the basis of the evidence available or it may be dismissed or evidence taken from the party appearing and the case disposed of in accordance with such evidence. All parties to the proceeding shall be notified of the dismissal and the reasons therefor. A proceeding may be dismissed for failure to prosecute an appeal or petition without good cause within a reasonable time.

(b) Any proceeding dismissed by reason of the failure of any party to appear at a scheduled hearing or for failure to prosecute may be

*† For statutory and source citations, see note to §10.

223. Claim for Benefits. (a) Claims shall be filed by interstate claimants on uniform interstate claim forms and in accordance with such procedures as may be required. Claims shall be filed in accordance with the type of week in use in the agent State.

(b) Claims shall be filed weekly in employment offices, or by mail in accordance with agent State regulations for intrastate mailed claims, or in accordance with the schedule provided by itinerant service, subject to the following exceptions:

(1) With respect to claims for weeks of unemployment in which an individual was not working for his regular employer, the liable State under circumstances which it considers good cause, shall accept a continued claim filed up to one week, or one reporting period, late. If a claimant files more than one reporting period late, an initial claim must be used to begin a claim series and no continued claim for a past period shall be accepted.

(2) With respect to weeks of unemployment during which an individual is attached to his regular employer, the liable State shall accept any claim which is filed within the time limit applicable to such claims under the law of the agent State.

224. Determination of Claims. (a) In connection with each claim filed by an interstate claimant, the agent State shall ascertain and report to the liable State such facts relating to the claimant's eligibility for benefits as are readily determinable in and by the agent State.

(b) The agent State's authority in connection with the determination of interstate claims shall be limited to investigation and reporting of relevant facts. The agent State shall not refuse to take an interstate claim.

225. Appeals. (a) The agent State shall afford all reasonable cooperation in the taking of evidence and the holding of hearings in connection with appealed interstate benefit claims. An interstate claimant, with the permission of the liable State, may have included in the record of the hearing, his statement, made under oath or affirmation before an appropriate officer or officers in the agent State, concerning matters involved in the appeal.

(b) With respect to the time limits provided by the law of a liable State for filing an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to the liable State on the date when it is received by any qualified officer of the agent State.

226. Inclusion of Claims Taken for Canada. The provisions of this Article shall apply to claims taken for Canada.

Article 23. Notices of Claims and Determinations

230. Notices From the Department to Employing Units. (a) A notice of the filing of a new or additional claim shall promptly be mailed or delivered to the claimant's most recent employing unit.

(b) A notice in respect to each valid new claim, showing the computation of the weekly benefit amount and maximum amount of benefits

potentially payable during the benefit year, shall promptly be mailed or delivered to each of the claimant's base period employers; provided, such notice shall not identify wages paid to the claimant by other employers.

(c) A notice of the filing of each additional claim shall be mailed or delivered to any of the claimant's base period employers who is not also the claimant's most recent employing unit and who after receipt of the notice of computation mentioned in subdivision (b) furnished to the Department information bearing upon the eligibility of the claimant or requested of the local office to be notified of the filing of any additional claim by the particular claimant.

(d) Any employer to whom a notice of the filing of a claim is required under subdivisions (a) or (c) and who has furnished the Department information bearing upon the claimant's eligibility shall promptly be notified of any of the following actions taken by the Department:

(1) Determination as to the eligibility of the claimant made after considering any information filed by any employing unit;

(2) Any modification in the foregoing determination made by the Department during the life of the claim either on its own initiative or pursuant to any additional information filed by an employing unit.

(e) The Department shall promptly notify any base period employer who has protested the accuracy of the computation of the claim of its action on such protest.

History: 1. Originally published 4-1-45. (Title 22.)
2. Amendment filed 9-23-47. (Register 10, No. 1.)

231. Notices Required From Employing Units. (a) Within two working days after receipt of a notice provided for in subdivisions (a) or (c) of Section 230 of the filing of a claim or if there has been a termination of the claimant's service within five days after such termination, whichever is the later, an employing unit shall notify the Department at its local office at which the claim was filed of any information known to him which may bear upon the eligibility of the claimant.

(b) Within seven calendar days after receipt of a notice of computation or reconsidered computation, any base period employer who has not received a notice of the filing of a claim under either Paragraph (a) or (c) of Regulation 230 shall notify the Department at its local office at which the claim was filed of any information known to him which may bear upon the eligibility of the claimant.

(c) If after receipt of any notice as provided in Section 230, an employing unit acquires information bearing upon the eligibility of the claimant and the information could not reasonably have been known when the notice was received, such employing unit shall immediately forward the information to the Department at its local office at which the claim was filed.

(d) Whenever workers leave their work because of a trade dispute under conditions which may disqualify such workers from benefits pursuant to the provisions of Section 56(a) of the act, the employing unit,

tion as may be deemed most suitable to ascertain the facts and to determine the substantial rights of the parties. In the hearing of any matter and provided no substantial right of any party will be prejudiced thereby, evidence may be received upon any issue relevant to the claim or to any question involved therein.

(b) The decision of the Referee or the Appeals Board on any appealed benefit determination shall not be limited to the issue involved in the determination from which an appeal is filed, provided, however, that neither the Appeals Board nor a Referee shall consider and pass upon the eligibility or disqualification of a claimant for benefits during weeks preceding the beginning date of ineligibility or disqualification as fixed by the determination of the Department unless it appears there has been nondisclosure or misrepresentation of a material fact in connection with a claim for benefits or wilful fraud within the meaning of Section 58(d) of the act. In the event it appears that the rights of any party to a proceeding will be prejudiced by the consideration of and passing upon issues or questions not set forth as a ground upon which the appeal is sought, an adjournment of the hearing shall be granted in accordance with the provisions of Section 313 of this Article.

(c) In any hearing the Appeals Board, Referee, or Examiner shall not be bound by common law or statutory rules of evidence and procedure. The taking of testimony at any hearing shall be under oath or by affirmation and any party to an appeal or petition may present such evidence orally or in writing and examine such witnesses as may be pertinent. The Appeals Board, Referee, or Examiner may question any party and his witnesses; and may order the introduction into evidence of any relevant and material records of the Department.*†

316. Representation at Hearings. Any individual may appear for himself in any proceeding before the Appeals Board, Referee, or Examiner, or he may be represented by an individual authorized to act for him. The Appeals Board, Referee, or Examiner at their discretion may refuse to allow any person to represent others in any proceeding who is guilty of unethical conduct or who intentionally and repeatedly fails to observe the provisions of the act, the regulations and instructions of the Commission, or these rules of practice and procedure.*†

317. Disqualification for Interest. No member of the Appeals Board, a Referee, or an Examiner shall participate in the hearing of any appeal or petition, or the decision with respect thereto in which such member of the Appeals Board, Referee, or Examiner has an interest. Any challenges to the interest of a Referee or Examiner if questioned by the Referee or Examiner shall be referred to the Appeals Board. A challenge to the interest of any member of the Appeals Board shall be made to and decided by the other members of the Appeals Board.*†

318. Consolidation of Proceedings. Any number of proceedings before the Appeals Board, a Referee, or an Examiner may be consolidated for the purpose of hearing when the facts and circumstances are similar in nature and no substantial right of any person will be prejudiced thereby. Notice of such consolidation shall be given to the parties or their representative.*†

*† For statutory and source citations, see note to §10.

Article 32. Conduct of Proceedings

320. Oral Argument Before Appeals Board. In any proceeding before the Appeals Board or a member thereof, an opportunity for oral argument upon the existing record may be afforded any interested party to the proceeding or his representative upon written request setting forth the basis and the points upon which it is desired to present oral argument. The Appeals Board will consider such request and in its discretion may allow or deny it. If opportunity for oral argument is denied, the party making the request therefor shall be allowed not to exceed twenty days from the date of receipt of the transcript within which a brief may be filed. If a brief is filed, copies thereof shall be served upon any other interested party, who shall be allowed not to exceed ten days within which to submit an answering brief. An additional ten days may be allowed for the filing of a closing brief. The manner in which oral argument may be presented and the length thereof shall be determined by the Appeals Board.*† (Filed 1-17-47; effective 1-27-47)

321. Removed and Remanded Cases. (a) The Appeals Board may on its own motion, affirm, modify, or set aside any decision of a Referee on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence. The Appeals Board may also remove to itself or transfer to another Referee the proceedings on any matter pending before a Referee.

(b) Whenever the Appeals Board on its own motion removes to itself or transfers to another Referee any proceeding pending before a Referee and the matter is remanded by the Appeals Board to a Referee for hearing, it shall be promptly placed upon the calendar for hearing as a preferred case. The Referee shall thereupon take such action as is necessary to comply with the order of the Appeals Board remanding the case.*†

322. Transcription of Testimony. (a) All testimony at any hearing except hearings held under Section 45.9 of the act shall be recorded, but need not be transcribed unless the disputed claim is further appealed or unless the transcription is ordered by the Appeals Board or the Referee.

(b) At the request of any party to the proceeding, a copy of the transcript of any hearing, if the disputed claim has been further appealed, or in the event such case has been ordered transcribed by the Appeals Board, or the Referee, will be made available without charge at the office of the Department nearest the place of business or residence of the person making the request. The transcript may be inspected at such office during the usual business hours of the Department.

(c) In the event any party to a proceeding desires to purchase a transcript of the evidence taken before the Appeals Board, a Referee, or an Examiner at any hearing, a charge for the transcript shall be made of 20 cents for each page.*†

323. Dismissal of Proceedings. (a) When, after due notice of time and place of hearing or an adjourned hearing, any party fails or

*† For statutory and source citations, see note to §10.

RULES RELATING TO PRACTICE AND PROCEDURE BEFORE THE CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

Article 30. Appeals Procedure

300. Application of Rules. The filing of appeals to a Referee, or appeals or petitions to the California Unemployment Insurance Appeals Board and the conduct of hearings before the Appeals Board, a Referee or an Examiner shall be governed in accordance with these rules.

301. Definitions. Unless the context otherwise requires, the terms used in these rules relating to appeals procedure shall have the following meaning:

(a) The terms defined in Section 20 of Article 2 and Section 200 of Article 20 shall be construed in the sense in which they are therein defined.

(b) "Referee" means an individual appointed by the Commission pursuant to Section 69 of the act.

(c) "Examiner" means any individual other than a Referee who is authorized by the Appeals Board to conduct hearings for and on behalf of the Appeals Board pursuant to Section 79 of the act.

(d) "Appeal" means an appeal to a Referee filed by a claimant or other party to a benefit determination made pursuant to Section 67 of the act, or an appeal to the Appeals Board in accordance with the provisions of Sections 68 and 72 of the act.

(e) "Petition" means a proceeding (other than an appeal) provided by the act or regulations adopted pursuant thereto, whereby any person aggrieved by a determination, rule, order, or action of the Department may obtain consideration by the Appeals Board of the propriety of such rule, order, or action. The party filing a petition shall be known as the "petitioner."*†

302. Manner of Filing Appeals or Petitions. (a) An appeal to a Referee, an appeal or petition to the Appeals Board from a decision or recommendation of a Referee, or a petition to the Appeals Board on behalf of any person aggrieved by a rule, determination, order, or action of the Department, shall be in writing and filed either personally or by mail at any local office of the Department or at the central office of the Department of Employment, 1025 P Street, Sacramento 14, California. Such appeal or petition must be filed within the time limit set forth in the act or Regulations adopted pursuant thereto.

(b) Any appeal to a Referee or an appeal or petition to the Appeals Board need not be formal and may be made by letter, provided, sufficient facts are therein set forth so that the reason for the appeal or petition may be ascertained.

*† For statutory and source citations, see note to §10.

(c) An appeal or petition which merely sets forth a conclusion of law without supporting facts upon which the basis for such conclusion can be determined will not be considered to be in compliance with paragraph (b) hereof. Such appeal or petition will not be heard or otherwise considered unless and until the appellant or petitioner amends the appeal or petition to conform to the requirements of this rule. In the event the appellant or petitioner, within a reasonable time, after notice to amend, fails to submit sufficient information so that the factual basis for the appeal may be ascertained, the appeal or petition will be subject to dismissal by the Referee or the Appeals Board, as the case may be.*† (Filed 6-11-47; Effective 6-11-47)

303. Time of Filing Appeals or Petitions. Appeals to a Referee or an appeal or petition to the Appeals Board, as the case may be, shall be filed within the time limitations as follows:

(a) An appeal to a Referee from a disputed benefit determination may be filed within seven days after notification thereof, or within seven days after the date such notification was mailed to the last-known address of the claimant or other party to the determination. Such time may be extended upon a showing that circumstances beyond the control of the individual rendered compliance with the time limitation set forth herein impossible.

(b) An appeal to the Appeals Board from a decision of the Referee rendered in connection with any disputed benefit determination shall be filed within 10 days after notification thereof, or within 10 days after the date such notification was mailed to the last-known address of the claimant or other party to the decision.

(c) A petition for reassessment shall be filed not later than 30 days after the service or mailing of the notice of assessment as provided in Section 45.5 of the act. Such time may be extended an additional 30 days on written application to the Department and upon a showing of good cause for the requested extension.

(d) A petition for reassessment of a jeopardy assessment levied under Section 45.6 of the act shall be filed within 10 days after service on the employer by registered mail of the notice of the assessment, provided, however, that no petition for reassessment under Section 45.6 of the act shall be considered unless the petitioner has deposited with the Commission such security as has been duly demanded.

(e) A petition for a review of any statement of account furnished an employer under Section 41.1 of the act shall be filed within 30 days after notification of the determination of the Department. Such time may be extended an additional 30 days on written application to the Department and upon a showing of good cause for the requested extension.

(f) Exceptions to a proposed decision of the Appeals Board on a petition for reassessment under Section 45.5 of the act or after hearing under Section 45.9 of the act relating to the filing of a summary certificate shall be filed within 10 days from the receipt of the proposed decision

*† For statutory and source citations, see note to §10.

which such act or event occurs, and any succeeding calendar weeks during which the ineligibility continues.

(f) "Week" for the purpose of establishing a benefit year as defined in Section 6(q) of the act shall begin with the date of filing an initial valid claim for benefits except that it shall begin with the dating of the claim where the claim is predated pursuant to subdivisions (1) to (4) inclusive of Section 201(b) of this article. (Filed December 28, 1945.)

202. Definitions Relating to Interstate Benefits. (a) "Interstate Benefit Payment Plan" means the plan approved by the Interstate Conference of Employment Security Agencies under which benefits shall be payable to unemployed claimants absent from the State or States in which benefit credits have been accumulated.

(b) "Interstate Claimant" means an individual who claims benefits under the unemployment compensation law of one or more liable States. The term "interstate claimant" shall not include any commuter provided, however, that the Department may, by arrangement with any adjoining State employment security agency, treat certain commuters as interstate claimants if their residence is so located that requiring such individuals to file their benefit claims in the State of their last employment would cause undue hardship. As herein used, the term "commuter" applies to each individual who, immediately before becoming unemployed, customarily commuted from his residence in the agent State to his work in the liable State.

(c) "Agent State" means any State in which an individual files a claim for benefits from another State or States and shall include Alaska, Canada, Hawaii, and the District of Columbia.

(d) "Liable State" means any State against which an individual files, through another State, a claim for benefits, and shall include Alaska, Canada, Hawaii and the District of Columbia. (Filed December 28, 1945.)

203. Registration for Work. (a) An applicant shall be deemed to have registered for work only if the applicant presented himself at an employment office or before an agent of said employment office or such other place as the Department may approve and completes such forms and conforms with approved procedures of the Department.

(b) If an applicant is unable to present himself in person at an employment office, or before an agent thereof, because of the lack or failure of transportation facilities on which he might have reasonably relied, or because of such other conditions as the Department determines constitute a good cause for his failure to appear in person, the applicant may send a written notice by United States mail, postage thereon prepaid, properly addressed to the nearest employment office, setting forth his correct residence address and stating that he desires to register for work. The postmark date appearing on the envelope containing such notice shall be the date of registration.

(c) Any registration by mail shall be void and of no effect unless applicant shall thereafter complete such registration in the manner and in the form provided in approved procedures of the Department.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 9-23-47. (Register 10, No. 1.)

204. Filing a New Claim for Benefits. A new claim may be filed by any person who has become separated from his work or who is working on a part-time or reduced earnings basis on the effective date for which his claim was filed, and shall set forth that:

(a) He has become separated from his work or is working on a part-time or reduced earnings basis;

(b) He registers for work;

(c) He claims benefits;

(d) Such other information as the Department may require.

205. Filing a Continued Claim for Total or Part-Total Benefits. (a) A claimant may file a continued claim for the purpose of satisfying a week of waiting period requirement, or claim benefits for a compensable week by certifying that:

(1) He was unemployed during the week for which the continued claim is filed;

(2) He was registered for work and hereby renews his registration for work;

(3) He was able to work and available for work;

(4) He had not refused an offer of suitable work;

(5) He was making effort to seek work on his own behalf;

(6) He has earned no wages except as stated;

(7) Such other information as the Department may require.

(b) In order to maintain eligibility for filing continued claims for benefits during a continuous period of unemployment, the claimant must file continued claims at intervals of not more than one week, or such other interval as the Department shall require, unless the claimant shows good cause for his delay in filing his continued claim.

(c) A claimant who is unable to appear at an employment office because he has returned to work may notify such office of such fact and file a continued claim by mail for any unemployment with respect to which a continued claim was not filed because of his reemployment or any other good cause found by the Commission.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 9-23-47. (Register 10, No. 1.)

206. Additional Claims for Total or Part-Total Benefits. (a) An additional claim must be filed whenever a lapse occurs in the filing of claims unless the claimant is working with a regular employer on a reduced time and earnings basis. In order to file an additional claim a claimant must be able to work and available for work in addition to complying with all requirements contained in Section 204.

233. Notices to Claimants. A claimant shall be notified in writing of the initial determination, of any amended initial determinations on his claim and of any determination denying benefits and of the reasons therefor.*†

234. Filing of Appeals by Claimants. (a) A claimant, within seven days after receipt of a notice of initial determination may file a request for a reconsideration thereof.

(b) A claimant may file an appeal from any amended initial determination or any subsequent determination denying benefits within seven days after notification thereof or within seven days after the date such notification was mailed to his last-known address.

(c) A claimant may for good cause be granted additional time in which to comply with the requirements of this section.*†

Article 24. Benefit Rights Of Trainees

240. Reestablishment of Balances. The unexpended balance of benefits remaining to the account of any trainee on the date of his induction into active service with the armed forces of the United States shall be reestablished to his account if a claim is filed by such trainee within 65 weeks after the date that his military service was terminated. Such reestablished balance shall lapse at the expiration of 65 weeks from the week in which the termination of service in the armed forces occurred, regardless of the date that the claim was filed to reestablish such balance.*†

241. Waiting Period. Provided that the waiting period was completed prior to the date that the trainee entered military service, no additional waiting period shall be required of such trainee, for the purpose of drawing reestablished balances.*†

242. Filing of New Claim. Any week after the week in which reestablished balances are exhausted, a trainee may file a new claim. The first day of the week in which such claim is filed shall be the beginning date of the new benefit year and the base period shall be the first four out of the last five completed calendar quarters prior to the first day of the week of the filing of the claim, omitting any quarters excluded by paragraph (4) of Section 57.7, of the act.*†

243. Benefit Year and Base Period. The benefit year of any trainee who does not have an unexpended balance of benefits at the time of his induction shall be 52 weeks from the first day of the first week following the date of termination of military service provided a claim is filed within 52 weeks after the termination of such service and the base period of such claims shall be the first four out of the last five completed calendar quarters immediately prior to the first day of the benefit year, omitting any quarters excluded by paragraph (4) of Section 57.7 of the act.*†

244. Applicability of Regulations. Claims filed by trainees either to reestablish unexpended balances or to establish new claims in accordance with Section 57.7 of the act, shall be made in accordance with

*† For statutory and source citations, see note to §10.

regulations applicable to other claims and such other procedures as may be from time to time prescribed. A trainee shall cease to be a trainee when benefit rights provided by Section 57.7 of the act are exhausted or if no valid claim can be established under said section.*†

Article 25. Miscellaneous Benefit Regulations

250. Performance of Benefit Functions by United States Employment Service. (a) The United States Employment Service is hereby designated as an agency, approved by the Commission, which may perform each and all of the following activities on behalf of the Department in accordance with authorized regulations and procedures of the Department:

(1) Take new, additional and continued claims for benefits;

(2) Prepare and maintain local office records with respect to claims-taking activities; and transmit such records to the central office of the Department;

(3) Prepare and submit to the Department reports of claims-taking activities;

(4) Engage in such other activities in connection with the administration of the benefit provisions of the act as the Commission, in cooperation with the United States Employment Service may from time to time determine; provided, that all determinations on claims for benefits shall be made exclusively by the Department through its officers and employees.*†

Article 26. Disability

260. Unemployment Compensation Disability Insurance. (a) The provisions of Articles 1 through 9 and Articles 11 and 12 of these regulations shall govern the administration of unemployment compensation disability benefits, except that Article 7 of these regulations shall be applicable only insofar as it does not conflict with the provisions of Article 28 hereof.

(b) Articles 20 through 25 of these regulations shall not be applicable to the payment of disability benefits except as hereinafter specified.

(1) Section 200, subdivisions (a), (b), (d), (e), (j), (k), (m) and (n) do apply.

(2) Section 201, subdivision (b) (6) does apply except as the requirement of an individual registering in person at an employment office. (Filed 11-12-46; Effective 11-22-46.)*†

261. Definitions. (a) "Certificate" means the signed statement of a physician or practitioner, on a form prescribed by the Department and furnished to the Department by the claimant for each uninterrupted period of disability, as prescribed by Section 252 of the Act.

(b) "First claim" means the claim initially filed with respect to a single uninterrupted period of disability and certifying to a week or

*† For statutory and source citations, see note to §10.

will be applied to the extinction of obligations in the following order:

(A) Penalty due at the time of payment.

(B) Interest due at the time of payment.

(C) Contributions due at the time of payment.

(D) Obligations secured by a lien or collateral undertaking, which are unpaid at the time of payment.

(b) In applying an unallocated payment to contributions, the payment will be applied to successive reporting periods in chronological sequence, with the oldest reporting period first. An unallocated payment which is applied to contributions and is insufficient to cover the entire balance which is outstanding for a reporting period will be applied, first, to the amount of worker contributions, and second, to the amount of employer contributions due for that reporting period at the time of payment. (Amended, Effective June 1, 1945)

Article 8. Assessment of Contributions

80. Levy of Assessment. (Rescinded, effective January 7, 1946. Filed December 28, 1945.)

81. Petition for Review or Reassessment. (Rescinded, effective January 7, 1946. Filed December 28, 1945.)

Article 9. Refund of Contributions

90. Refunds and Credits to Employing Units. (a) Contributions, interest or penalties erroneously collected may be credited or refunded to the employing unit which paid such contributions and interest or penalties, subject to the limitations prescribed in this section. Claims for refund or credit must be made not later than three years from the last day of the calendar month following the close of the calendar quarter for which the contributions, interest or penalties were paid; or, with respect to payments made pursuant to an assessment levied under Sections 45.5 or 45.6, within six months after such assessment became final; or within 60 days from the date on which the payment was made, whichever period expires the later.

(b) All grounds and facts alleged in support of the claim must be clearly set forth. The employing unit shall furnish such proof in support of the claim as may be reasonably necessary at the discretion of the Department to support the validity and amount of the claim and the fact that the employing unit making the application for refund is legally entitled thereto.

(c) A claim may be denied in whole or in part by the Department, notice of which shall be served upon the employing unit. A claim shall be denied upon the failure by the employing unit to furnish such reasonable proof in support of its claim within 30 days after written demand therefor by the Department or within any extended period granted by the Department upon written request made within the 30-day period.

*† For statutory and source citations, see note to §10.

Every denial of a claim for refund is subject to the right of the employing unit to file with the Appeals Board a petition for review of the claim in accordance with the provisions of Section 45.11 of the act.

(d) If the Department determines that the claim is allowable in accordance with the act and these regulations it shall so find and make an adjustment as follows:

The amount of the overpayment less wage-earner contributions erroneously deducted from workers shall first be applied against any unpaid contributions, interest or penalty due from the employing unit. The remainder of such portion of the overpayment shall be refunded to the employing unit.

(e) With respect to wage-earner contributions withheld from workers which are included in any claim for refund which has been allowed by the Department the employing unit shall submit to the Department satisfactory evidence that refund has been made its employees of such contributions or that it has been unable to make the refunds or a portion of them. Satisfactory evidence of such refunds may be in the form of a certified list of paid checks by which the refunds were made or in the form of receipts signed by the workers. If any of the refunds can not be made because the employees have left the employ of the employing unit, the employing unit shall submit to the Department a certified list of such erroneous wage-earner deductions showing the names, Social Security account numbers, and last known addresses of the workers and the amounts due each of them. The Department shall deduct from the refund or credit due the employing unit for wage-earner contributions included in the claim the aggregate amount of such wage-earner contributions which have not been refunded to the workers and withheld it in trust for the wage-earners to whom the overpayments are owing. Such contributions shall be refunded to the workers by the Department wherever it is practicable to do so.

(f) The "date of allowance" of a refund or credit shall be that date on which either of the following first occurs:

(1) A notice is mailed by the Department to an employing unit advising it of the overpayment of any amount of contributions, interest or penalties, or

(2) A claim for refund or credit has received final approval in accordance with procedures established by the Department. (Filed December 28, 1945.)*†

Article 10. Experience Rating

100. Experience Rating. (a) An employer may be entitled to a contribution rate below the general rate prescribed in Section 38 of the act provided his net balance of reserve computed in accordance with Section 42 of the act is 7½ per cent or more of his average pay roll as defined in Section 42(d) and such employer otherwise qualified for a reduced contribution rate in accordance with the provisions of the act.

(b) No employer shall be considered eligible for a contribution rate of less than 2.7 per cent unless the reserve account of such employer

*† For statutory and source citations, see note to §10.

shall have been subject to benefit charges for 12 complete consecutive calendar quarters ending on the computation date for any rating period. (Added April 1, 1945.)*†

101. Experience Rating Chargebacks for Joint Accounts. (a) For the purpose of determining future rates of employer contributions, benefits paid on the basis of wages reported under the provisions of Section 9.8 of the act for employment as to which the employment risk of all employers so reporting is found by the Department to be virtually the same, shall be charged as provided herein. The provisions of any other Section of these Regulations, insofar as there may be conflict with this Section, shall not be applicable to the charging of benefits.

(b) Benefits referred to in subsection (a) of this Section shall be charged to a special account in the name of the reporting agent. Benefits so charged shall be allocated to the individual accounts of employers reporting through such agent in the proportion that the wages reported by each such employer through the agent bears to the total wages reported through such agent. Such allocation shall be made on the basis of wages reported through the agent for the allocation period of six calendar quarters preceding the last previous computation date.

(c) If the allocation period provided herein would not distribute among any group of employers reporting through such an agent, benefit charges in sufficiently close relationship to the amounts of wages upon which benefits were computed, the Department may prescribe that there shall be applied such other allocation periods as may be determined will more closely relate such benefits charges to the wages upon which the benefits were computed.

(d) Notwithstanding the termination of the agency relationship as to any such employer, benefits shall be allocated to his account under this rule so long as the current allocation period includes any calendar quarter during which such employer was a party to the agency relationship.*†

102. Protests of Benefit Charges. (a) Adjustment of data or matters contained in the statements provided for in Section 41.1(a) of the act shall originate with the mailing of such statements and the filing of a written protest thereto by an employer.

(b) Such protest shall include the employer's account number and shall specify the item or items to which exception is taken. With respect to items representing benefits paid and charged to his account, the employer shall set forth the following information:

(1) Name of claimant.
(2) Claimant's social security number.
(3) Date on which the initial claim for benefits was filed, (if available).
(4) Amount of charges protested.
(5) Amount of wages earned, stated by calendar quarters, protested.
(6) Full grounds for protest.

(c) The Department shall fully consider the items of the employer's statement of account to which exception is taken and shall make its

*† For statutory and source citations, see note to §10.

determination thereon. The Department shall notify the employer promptly of its determination. Such determination shall be subject to review and reconsideration by filing with the Appeals Board, 1025 P Street, Sacramento 14, California, a petition for review of benefit charges setting forth:

(1) The name, address and official position of the person filing the petition and if filed by a person or firm other than the employer, a written authority from the employer authorizing such representation.

(2) The name, address and account number of the employer.

(3) The name and social security number of each claimant with respect to whom benefit payments are protested.

(4) The date on which the initial claim for benefits was filed by each claimant, (if available).

(5) The amount of benefits paid to each claimant and charged to the employer's account involved in the petition.

(6) Date on which claimant entered employer's service.

(7) Date on which claimant's services were terminated.

(8) A full statement setting forth the grounds of objection to the legality of protested charges to the employer's account.

(d) A petition for review of benefit charges shall be filed within thirty (30) days after notice of the determination of the Department with respect to the protest of the employer. The Commission may for good cause extend the time within which the employer may file a petition for review of benefit charges. (Filed December 28, 1945.)

(e) The Appeals Board may decide the petition for review of benefit charges on the basis of facts and information in its possession, or may require the submission of written briefs, or order a hearing to secure additional facts. Any hearing held under the provisions of this Section may be held before the Appeals Board, any member thereof, or a special examiner or referee duly authorized by the Appeals Board and shall be conducted in accordance with and subject to applicable regulations governing practice and procedure before the Appeals Board or its representative.

(f) Protest of benefit charges or a petition for review of benefit charges under the provisions of this Section will not be considered where the employer was notified as required by the act or regulations adopted pursuant thereto of a determination of the claimant's eligibility for benefits, and such employer failed or neglected to file an appeal from such determination to a referee as provided in Section 67 of the act, or after a decision by the referee, failed or neglected to appeal to the Appeals Board as provided in Sections 68 and 72 of said act.*†

Article 11. Records and Reports

110. Burden of Proof. The burden of proof shall rest with an employing unit which employs any individual during any calendar year

*† For statutory and source citations, see note to §10.

but which considers itself not an employer subject to the act to establish that it is not an employer subject to the act by proper records, including a record of the identity of the employees, number of employees employed during each week, and the particular days of each week on which services have been performed. (Added April 1, 1945.)*†

111. Required Work Records. (a) Each employing unit shall establish and maintain records with respect to each worker performing services for it for the period required by this Regulation which shall indicate:

(1) The period covered by the pay roll.

(2) For each employee:

(A) His name;

(B) Social Security number;

(C) The date on which he was hired, rehired, or returned to work after temporary lay-off, and the date when his name was removed from the pay roll;

(D) The place of his work which shall be shown in accordance with such forms and instructions as the Department may approve.

(3) The wages paid to each employee for each pay roll period, showing separately:

(A) Money wages;

(B) Cash value of all other remuneration received from his employer;

(C) Special payments in cash or kind for services other than those rendered exclusively in given pay period such as annual bonuses, gifts, prizes, etc., showing the nature of such payments and the period during which the services were performed for which such special payments were made.

(4) Such other information as may be necessary to enable the employing unit to determine the employee's total wages earned in each week.

(b) Each employing unit which considers that it is not an employer subject to the act or that it is engaged in exempt employment shall keep and maintain the records required of such employing units under this rule for at least four years after the period to which the records relate.

(c) Each employer subject to the act shall keep and maintain the records required under this Section for a period of at least four years after the date the contributions to which they relate become due, or the date the contributions are paid, whichever is the later.

(d) Each employing unit which considers that it is not an employer subject to the act or that it is engaged in exempt employment shall keep and maintain the records required of such employing units under this Section for at least four years after the period to which the records relate.

(e) In the event the pay roll records of an employing unit do not indicate the particular days during any week on which a worker per-

*† For statutory and source citations, see note to §10.

formed services it shall be presumed in the absence of evidence to the contrary that the worker performed services on each day of such week.*†

112. Maintenance of Records by Out-of-State Employing Units. Any employing unit having its principal place of business outside California shall maintain pay roll records in this State with respect to wages paid to employees who perform some service in this State; provided, however, that an out-of-State employing unit may, with the approval of the Department, maintain such pay roll records without the State upon its undertaking that it will, when requested so to do, furnish the Department with a true and correct copy of such pay roll records.*†

113. Reports with Respect to Employees. (a) Every employing unit shall report to the Department upon request any information with respect to its employees as the Department may require on forms approved by the Department. Such information shall be set forth fully and clearly as required by the Department and unless otherwise required each employing unit shall return the information to the Department within 10 days after specific written demand requiring the same.

(b) Except where the Department has reasonable ground to suspect fraud, no employers shall be required to furnish information relative to a present or former employee's earnings other than on the basis of a calendar week or the employer's pay roll period.

(c) The provisions of this Section are not applicable to the quarterly report of the wages of workers required pursuant to Sections 73(a), (b), 74, and 75 of Article 7.

114. Posting of Notices. Each employing unit shall post, maintain and distribute such printed statements as the Department deems necessary and may from time to time require for the proper enforcement and administration of the act. Such statements shall be posted and maintained by the employing unit in places readily accessible to employees and such employing unit shall make available to each employee at the time of his lay-off copies of such printed statements or make such other suitable provision for conveying this information to his employees as the Department may deem necessary for the proper administration of the act. All such printed statements shall be made available by the Department to each employing unit without cost. (Filed December 28, 1945.)*†

115. Registration of Employing Units. In addition to the report and return required by Section 74 of Article 7, each employing unit within 15 days after becoming an employer shall register with the Department. A registration form with complete instructions may be secured upon application to the Department or to any of its offices. (Filed December 28, 1945.)*†

116. Employers Terminating Business. (a) Except as in this Section otherwise provided, any employer who terminates business for any reason whatsoever, or who transfers or sells the organization, trade, or business or any severable portion thereof, shall within 10 days after

*† For statutory and source citations, see note to §10.

such termination, notify the Department in writing of such termination, transfer, or sale.

(b) Every domestic corporation within 10 days of its quitting business or commencing of proceedings to wind up its affairs to voluntarily dissolve and every foreign corporation within 10 days of surrendering its right to engage in business in California, shall give written notice thereof to the Department and shall submit a final return setting forth in detail any unreported contribution liability as required by Section 46.2 of the act.

(c) If an employer dies, notice of his death shall be given in writing by the executor or administrator or other legal representative of the estate as soon as practicable thereafter and in any event within 90 days after assuming office as required by Section 46.1 of the act.

(d) In the case of bankruptcy, receivership, or an assignment for the benefit of creditors, the trustee in bankruptcy, or assignee, or other representative of an insolvent employing unit shall promptly give notice in writing of such proceedings and in any event within 90 days after assuming office.

(e) Notices required by this Section shall contain the name and address of the employing unit, the name and address of the trustee in bankruptcy, receiver, assignee, or other representative of an insolvent employing unit, the name and address of the executor, administrator, or other legal representative of the estate of a deceased employer, the date of the commencement of the proceedings, the known amount of contributions due, if any, at the time of the commencement of the proceedings, whether or not individuals are being or will be employed during the proceedings and such other information as may be required by the Department.*†

Article 12. Miscellaneous

120. Request for Commission Consideration. Employees, employees' organizations, employers, employers' associations and trade associations having problems arising out of the administration of the act for the consideration of which no other provision is made in the act or these regulations may request consideration thereof by the Commission. A request for such consideration should be accompanied with a statement of facts and supporting data thereon concerning the problem involved with the Commission at its office in Sacramento, at 1025 P Street.

121. Disclosure of Information. (a) The Commission or its representatives may furnish to state, city and county school officials information concerning junior workers placed in employment by the Department. Such information may include the name of the junior worker placed in employment, his address and the nature of his duties, and the name, occupation and address of the employer.

(b) The Commission or its representatives may exchange information with such other governmental departments and agencies, both federal and state, as the Commission by resolution designates, which are concerned with the administration of unemployment insurance, or the collection of taxes which may be used to finance the administration of unemployment insurance, or the relief of unemployed or destitute

*† For statutory and source citations, see note to §10.

individuals, or legislation concerning, regulating, or in any manner affecting the obligations arising out of an employer-employee relation, and with such other departments or agencies of government as the Commission may deem necessary or desirable for the proper administration of the act. (Filed 11-12-46; Effective 11-12-46.)*†

Article 20. Claims for Benefits

200. Definitions. Unless the context otherwise requires, the terms used in these regulations relating to benefits shall have the meaning set forth in the following Sections 200, 201, and 202:

(a) Except as otherwise defined herein, the terms defined in Section 20 of Article 2 of these regulations shall be construed in the sense in which they are therein defined.

(b) "Employment office" means an office of the United States Employment Service.

(c) "Applicant" means any individual applying for work at an employment office.

(d) "New Claim" means an application for the establishment of a benefit year and for an initial determination of eligibility for benefits, the maximum benefits payable, and the weekly rate.

(e) "Additional Claim" means an application for determination of eligibility for benefits which certifies to the beginning date of a period of unemployment for which a continued claim or claims may be filed and which would fall within a benefit year previously established.

(f) "Continued Claim" means an application which certifies to the completion of a week of total, part-total, or partial unemployment either to satisfy a week of the waiting period requirement or to claim benefits for a compensable week.

(g) "Claimant" means an individual who has filed a new claim with an employment office, or one of its itinerant points, until such time as his claim is found invalid, or his benefit year has expired.

(h) "Totally unemployed individual" means an individual who during a week performs no services and to whom no wages are payable.

(i) "Part totally unemployed individual" means an individual who is employed less than a full work week if the wages payable to him with respect to such week are less than his weekly benefit amount and are earned from an employing unit other than the individual's regular employing unit.

(j) "Maximum Benefits" means the maximum total amount of benefits payable to a claimant during his benefit year.

(k) "Weekly Rate" means the weekly benefit amount payable for a week of total unemployment to a claimant during his benefit year.

(l) "Partially unemployed individual" means an individual who, during a particular week,

(1) Earned less than his weekly benefit amount,

(2) Was employed by a regular employer,

(3) Worked less than his normal customary full-time hours for such regular employer because of lack of full-time work,

(4) Was during such week continuously attached to his employer from the standpoint that there did not occur any severance of the employer-employee relationship.

*† For statutory and source citations, see note to §10.

(m) "Benefits" means the compensation payable to an individual, with respect to his unemployment, under the unemployment compensation law of any state.

(n) "Base Period Employer" means an employer by whom wages for employment were paid to a claimant during his base period.*†

201. Definition of Week. (a) "Week of partial unemployment" means with respect to a partially unemployed individual whose wages are paid on a weekly basis, the individuals pay period week. With respect to a partially unemployed individual whose wages are not paid on a weekly basis, a week of partial unemployment shall consist of a calendar week, unless as to any individual or group of individuals such other seven consecutive day period as may be found appropriate under the circumstances is prescribed. Whenever a partially unemployed individual becomes totally unemployed, his claim period shall continue to be the week of his last certification for partial unemployment insurance until he is again reemployed.

(b) "Week of total or part-total unemployment" means the seven consecutive day period beginning with the first day of unemployment on which an individual registers in person at an employment office, and thereafter, the seven consecutive day period commencing with the first day immediately following such week for subsequent continued weeks of unemployment, **provided that only one new, additional or continued claim may be filed for any seven consecutive day period, and further provided:**

(1) A week of unemployment of an individual who fails to register on the first day of such unemployment for reasons constituting good cause, shall begin with the first day of such individual's unemployment, except that the first day shall not begin prior to the 14 day period immediately preceding the day on which he registers for work if such good cause continues to exist throughout the period during which the individual failed to register.

(2) A week of continued unemployment of an invidual who failed to report within 14 days of his specified reporting date for reasons constituting good cause, shall consist of the seven consecutive day period commencing with the first day of the 14 day period immediately preceding the day on which he reports at the employment office.

(3) A week of unemployment of an individual who resides in an area served only by the itinerant service of the employment office shall consist of the seven consecutive day period beginning with the first day of such individual's unemployment, provided, that such individual registers in person with such itinerant service at the first opportunity afforded by the itinerant service.

(4) A week of unemployment of an individual who has failed to file his claim within 14 days of the first day of unemployment for one of the reasons listed on the following page in

*† For statutory and source citations, see note to §10.

(A) or (B) shall commence with the first day of his unemployment, provided he files his claim not later than 13 weeks after the close of the benefit year in which the week of unemployment falls, but not later than the week following the calendar week in which the individual is notified of his potential rights to benefits, in accordance with the act and regulations adopted thereunder.

(A) His employing unit warned, instructed, or coerced him not to claim benefits; or

(B) The personnel of the Department made misleading statements to him which caused the individual to fail to register for work or file a claim.

(5) A week of unemployment of an individual affected by a mass separation or by a trade dispute, with respect to which arrangements are made for group reporting by the employer, shall consist of the seven consecutive day period beginning with the first day of his unemployment provided, that a claim therefor is filed by the individual within 14 days next following his first day of total unemployment.

(6) When the major portion of a week of unemployment falls within the expiring benefit year, the entire week shall be deemed to fall within the expiring benefit year. Where less than the major portion of a week of unemployment falls within the expiring benefit year, the entire week shall be deemed to fall within the new benefit year.

(c) "Week of unemployment" for any individual utilizing a privately operated hiring facility approved by the Department shall be the seven consecutive day period beginning on Sunday, 12:01 A.M. and ending 12:00 midnight Saturday, provided, the claimant files his continued claims for benefits on the day assigned to him by the Department for reporting or on the first following day on which he does not work.

(d) "Week of unemployment" as used in Article 22 relating to interstate claimants shall be the seven consecutive day period for which interstate claimants are required to file under the agent state procedures at the time of filing a claim for benefits.

(e) "Week of ineligibility" with respect to acts or periods of ineligibility under Sections 56 (a) and (b), and 58 (a) and (b) of the act, which occur or commence before any week of unemployment as defined in Section 201 (b) has commenced, means the calendar week in which such act or event occurs, and any succeeding calendar weeks during which the ineligibility continues.

(f) "Week" for the purpose of establishing a benefit year as defined in Section 6(q) of the act shall begin with the date of filing an initial valid claim for benefits except that it shall begin with the dating of the claim where the claim is predated pursuant to subdivisions (1) to (4) inclusive of Section 201(b) of this article. (Filed December 28, 1945.)*†

202. Definitions Relating to Interstate Benefits. (a) "Interstate Benefit Payment Plan" means the plan approved by the Interstate Con-

*† For statutory and source citations, see note to §10.

ference of Employment Security Agencies under which benefits shall be payable to unemployed claimants absent from the State or States in which benefit credits have been accumulated.

(b) "Interstate Claimant" means an individual who claims benefits under the unemployment compensation law of one or more liable States. The term "interstate claimant" shall not include any commuter provided, however, that the Department may, by arrangement with any adjoining State employment security agency, treat certain commuters as interstate claimants if their residence is so located that requiring such individuals to file their benefit claims in the State of their last employment would cause undue hardship. As herein used, the term "commuter" applies to each individual who, immediately before becoming unemployed, customarily commuted from his residence in the agent State to his work in the liable State.

(c) "Agent State" means any State in which an individual files a claim for benefits from another State or States and shall include Alaska, Canada, Hawaii, and the District of Columbia.

(d) "Liable State" means any State against which an individual files, through another State, a claim for benefits, and shall include Alaska, Canada, Hawaii and the District of Columbia. (Filed December 28, 1945.)*†

203. Registration for Work. (a) An applicant shall be deemed to have registered for work only if the applicant presented himself at an employment office or before an agent of said employment office or such other place as the Commission may approve and completes such forms and conforms with approved procedures of the United States Employment Service and such additional procedures as may be jointly approved by the United States Employment Service and the Department.

(b) If an applicant is unable to present himself in person at an employment office, or before an agent thereof, because of the lack or failure of transportation facilities on which he might have reasonably relied, or because of such other conditions as the Department determines constitute good cause for his failure to appear in person, the applicant may send a written notice by United States mail, postage thereon prepaid, properly addressed to the nearest employment office, setting forth his correct residence address and stating that he desires to register for work. The postmark date appearing on the envelope containing such notice shall be the date of registration.

(c) Any registration by mail shall be void and of no effect unless the applicant shall thereafter complete such registration in the manner and in the form provided in approved procedures of the United States Employment Service or as modified by the Department.*†

204. Filing a New Claim for Benefits. A new claim may be filed by any person who has become separated from his work or who is working on a part-time or reduced earnings basis on the effective date for which his claim was filed, and shall set forth that:

(a) He has become separated from his work or is working on a part-time or reduced earnings basis;

*† For statutory and source citations, see note to §10.

(b) He registers for work;

(c) He claims benefits;

(d) Such other information as the Department may require.*†

205. Filing a Continued Claim for Total or Part-Total Benefits. (a) A claimant may file a continued claim for the purpose of satisfying a week of waiting period requirement, or claim benefits for a compensable week by certifying that:

(1) He was unemployed during the week for which the continued claim is filed;

(2) He was registered for work and hereby renews his registration for work;

(3) He was able to work and available for work;

(4) He has not refused an offer of suitable work;

(5) He has earned no wages except as stated;

(6) Such other information as the Department may require.

(b) In order to maintain eligibility for filing continued claims for benefits during a continuous period of unemployment, the claimant must file continued claims at intervals of not more than one week, or a lesser interval if required, unless the claimant shows good cause for his delay in filing his continued claim.

(c) A claimant who is unable to appear at an employment office because he has returned to work may notify such office of such fact and file a continued claim by mail for any unemployment with respect to which a continued claim was not filed because of his reemployment or any other good cause found by the Commission.*†

206. Additional Claims for Total or Part-Total Benefits. (a) An additional claim must be filed whenever a lapse occurs in the filing of claims unless the claimant is working with a regular employer on a reduced time and earnings basis. In order to file an additional claim a claimant must be able to work and available for work in addition to complying with all requirements contained in Section 204.

(b) An additional claim and a continued claim may be filed during the same week if the claimant was registered for work for the period for which he seeks to file a continued claim, and shows good cause for the delay in filing the additional claim.*†

207. Claimants Residing in Isolated Areas. (a) Individuals residing in isolated areas served only by itinerant service shall report in person to such itinerant service for the purpose of filing claims for benefits on the dates specified for reporting to such services.

(b) An individual unable to report in person at an employment office, or before one of the agents of said office, because of the lack of or failure of transportation facilities or for other reason sufficient to constitute good cause for such inability to report in person, may file claims by mail with the employment office serving the area in which the claimant resides.*†

*† For statutory and source citations, see note to §10.

208. Filing Continued Claims in Different Locality. A claimant who is unable to report to the employment office at which his registration for work and claim record are on file, because he is seeking work in another locality, may report for the purpose of filing a continued claim to the employment office in the locality in which he is seeking work and if it is determined by a representative of the Department that he is available for work in that locality he may file a continued claim in such office.*†

Article 21. Claims For Benefits by Partially Unemployed Individuals

210. Employer Responsibility in the Initiation of a First Claim for Partial Benefits in a Benefit Year. (a) Immediately after the termination of any week in which an employer has had in his employ an individual whose services have not been terminated and who had less than four full days of work, or the time or dollar earnings equivalent thereof, and such individual earned less than $20, and in any event when such individual in a week of less than full-time work earns less than $10 because of lack of work, such employer shall give each such individual a completed copy of Form DE 2063, Notice of Reduced Earnings.

(b) Upon the filing of a first claim for partial benefits for a benefit year, the Department shall notify promptly the claimant of his potential right to partial benefits and shall notify the employer of claimant's weekly benefit amount and benefit year ending date. Upon receipt thereof, each employer shall keep a record of such weekly benefit amount and benefit year ending date.*†

211. Employer to Furnish Evidence of Partial Unemployment. (a) After an employer has been notified of a claimant's weekly benefit amount, such employer shall, immediately after the termination of each week of partial unemployment, furnish the claimant with a copy of Form DE 2063, Notice of Reduced Earnings, or furnish the claimant with a pay envelope, pay check stub, or copy thereof, or any other suitable medium.

(b) The notice required in (a) above shall contain:

(1) The name and social security number of the individual;

(2) The ending date of such week;

(3) The amount of wages earned in such week;

(4) The following certification (individual or rubber stamped): "I certify that the above amount represents reduced earnings in a week of less than full-time work because of lack of work;"

(5) A signature (actual or facsimile) by the employer to the above certification.*†

212. Registration and Filing of Claims for Partial Unemployment. (a) A claim for benefits filed by an individual shall constitute such individual's notice of unemployment, registration for work and claim for benefits or waiting period credit, with respect to each week of

*† For statutory and source citations, see note to §10.

partial unemployment covered by such claim. A claim for any week shall not be valid if filed more than 28 days after the individual has been furnished by the employer with the information as to his earnings in any week as prescribed in Section 211. (Filed December 28, 1945.)*†

(b) Notice of an additional claim filed as required under Section 230 of Article 23 shall be furnished to the regular employer of a partially employed claimant only when such claimant files a claim for a week of total unemployment for which no employer verification of no earnings for such week of unemployment is furnished to the claimant.*†

213. Extended Period for Registration and Filing of Claims for Good Cause. Notwithstanding the provisions of Section 212(a), if it is found that the failure of any individual to register and file a claim for partial benefits within the time set forth in Section 212(a) was due to failure on the part of the employer to comply with any of the provisions of Sections 210 and 211, or to coercion or intimidation exercised by the employer to prevent the prompt filing of such claim, or to failure by the Department to discharge its responsibilities promptly in connection with such partial unemployment, the period during which a claim may be filed shall be extended to a date not less than one week after the individual has received appropriate notice of his potential rights to benefits and his earnings during the period of such partial unemployment; provided, however, that such claim shall not be valid if it is made more than 13 weeks subsequent to the end of the benefit year (actual or potential) during which the week of partial unemployment occurred.*†

Article 22. Interstate Claims for Benefits

220. Application of Article. Article 22 shall govern the Department in its administrative cooperation with other states adopting a similar regulation for the payment of benefits to interstate claimants.*†

221. Registration for Work. (a) Each interstate claimant shall be registered as unemployed and for work, through any public employment office in the agent State when and as required by the law, regulations, and procedures of the agent State. Such registration shall be accepted as meeting the registration requirements of the liable State.

(b) Each agent State shall report to the liable State, whether each interstate claimant has been fully registered for work.*†

222. Exhaustion of Credits in Agent State and Order of Succession of Liable States. (a) No benefits shall be payable on an interstate claim unless the claimant shall have exhausted, or otherwise terminated, his benefit rights, if any, in the State in which he is currently filing his interstate claim.

(b) In case an interstate claimant is qualified for benefits under the unemployment compensation laws of two or more states other than the one in which he files his claim, his claim for benefits shall be forwarded to such states successively, and his benefits shall be paid by such states successively, in the same chronological order as the earliest dates on which

*† For statutory and source citations, see note to §10.

(2) When wages are paid at irregular or infrequent intervals (as, for example, commissions or bonuses paid on infrequent settlement dates) and when the period of employment covered by such wage payments extends into two or more calendar quarters, the employer shall show opposite such a wage item on the wage report, the beginning and ending dates of the pay period covered by such item of wages. For the purpose of determining eligibility or the amount of benefits, the Department shall apportion the amount of such item of wages among the calendar quarters covered by such item according to the length of employment in each of such quarters.

(3) When wages equal to $3,000 are paid to an individual by an employer for employment during a calendar year, wage reports shall be filed by the employer as follows:

(A) On the wage report for the calendar quarter in which the final wage payment within the $3,000 limitation is paid, opposite such wage item the employer shall place the symbol "CC" (or some other symbol approved by the Department to indicate contribution completed).

(B) On quarterly wage reports for the remainder of the calendar year while the individual remains in the employ of the same employer, the employer shall include the Social Security account number and name of the worker with the symbol "CC" (or some other symbol approved by the Department to indicate contribution completed).

(C) For the purpose of determining a claimant's maximum benefits and weekly benefit amount, when because of the $3,000 limitation on taxable wages, wage records would not otherwise correctly indicate the claimant's employment during his base period, wages equal to $3,000 paid to an individual by an employer for employment during a calendar year shall be apportioned by the Department among the calendar quarters falling in the period of employment for that employer during that year as "wages paid" according to the length of employment in each such quarters. The employer shall upon request of the Department promptly furnish to the Department the periods of employment which may be required to make such apportionment. (Filed December 28, 1945.)*†

74. Returns of Newly Subject Employers. An employing unit upon becoming an employer during any calendar year other than by electing coverage shall file with the Department within 15 days thereafter quarterly contribution return forms properly completed and a report of wages of each of his workers for each completed quarter in that calendar year. The first contribution payment of any employing unit becoming an employer during a calendar year including those employing units electing coverage shall be due on the first day of the calendar month following the close of the calendar quarter in which the employing unit became subject to the act and shall be delinquent if not paid on or before

*† For statutory and source citations, see note to §10.

the last day of such month. Such payment shall include all quarterly contributions with respect to wages for employment occurring during all payroll periods ending within the reporting period. (Filed 11-12-46; Effective 11-22-46.)*†

75. Employers Electing Coverage. The first quarterly contribution return and earnings report to be submitted by an employing unit electing coverage shall be due and delinquent as of the due and delinquency dates for the calendar quarter during which an employing unit's elective coverage agreement is approved by the Department. Thereafter, the submission of contribution returns, earnings reports, and the payment of contributions shall be governed by and subject to all of the provisions applicable to other employers as set forth in the act and these regulations. The provisions of Section 74 which require the filing of contribution and earnings reports within 15 days of the date on which an employing unit qualifies as subject to the act, shall not apply as to employing units becoming subject by electing coverage.*†

76. Joint Returns. Where several employers, individually or collectively rotationally hire the same group of employees, an agent or agency may be selected to make a joint report in connection with registration and make a joint pay roll contribution return. The agent or agency selected shall notify the Department in writing of that fact, stating the name and address of the agent or agency, and also the names and addresses of the employers making such election. The agent or agency shall inform the Department in writing of any change made in the foregoing arrangements. Joint return plans shall be subject to the approval of the Department.*†

77. Extensions of Time. Requests for extensions of time in the payment of any contributions due as provided in the act or in these regulations shall be made in writing either before the date of delinquency or within 60 days thereafter and no extension shall be granted for a period in excess of 60 days from the date of delinquency. Extensions of time may be granted by the Department on its own initiative up to but not exceeding 60 days after the delinquency date. (Added April 1, 1945.)*†

78. Application of Payments by Employers. (a) Payments of contributions, penalties and interest which are received on and after January 1, 1944, for the tax year 1944, and on and after April 1, 1944, for all other tax years, will be applied as follows:

(1) If the intention or desire of the employer that a payment be applied to the extinction of a particular obligation is manifested to the Department at or before the time the payment is made, the payment will be so applied. (See, however, Section 101.9 of the act, under which it is a misdemeanor to fail to pay worker contributions which an employer has deducted from his workers' wages.)

(2) If the intention or desire of the employer as to the application of a payment is not manifested to the Department at or before the time the payment is made, the payment

*† For statutory and source citations, see note to §10.

63. Tips as Wages. (a) The amount of tips or gratuities customarily received and retained by an employee in the course of his employment from persons other than his employing unit shall be considered taxable wages if:

(1) Such tips or gratuities, or

(2) Such tips or gratuities plus the excess of the minimum wage required to be paid by law over and above the amount of such tips or gratuities, constitute substantially the only wage paid to the employee.

(b) The term "substantially" as used in subsection (a) of this Section shall be construed to mean 90 per cent or more of the wages paid to the employee, and only those tips or gratuities received by an employee in the course of his employment from one other than his employer which constitute 90 per cent or more of the wages paid to the employee with respect to a pay roll period, or which plus the excess of the minimum wage required to be paid by law over and above the amount of such tips or gratuities constitute 90 per cent or more of the wages paid to the employee with respect to the pay roll period, are to be deemed wages on which contributions are required.

(c) The value of tips or gratuities received by an employee in the course of his employment from a person or persons other than his employer, and which appear to constitute 90 per cent or more of the wages paid to the employee, may be estimated by the employer and the worker in such equitable manner as may best reflect the tips received, provided, that the employer files a statement with the Department indicating the method by which the estimated amounts are ascertained, and, provided further, that no employee shall be required to disclose to the employer the amount of tips actually received.

(d) If the employee voluntarily reports weekly to his employer the amount of his tips, the employer shall record and report such amount to the Department and may make such protest thereto as he desires. In the absence of such report by the employee any claim thereafter made by him for credit for tips other than as estimated shall be deemed invalid and no benefits shall be paid thereon. Changes from a voluntary report basis to an estimate basis, or vice versa, shall not be made more frequently by the employee than at six-months intervals.*†

64. Allowance for Expense. (a) "Taxable wages" does not include the actual amount of traveling, automobile and other necessary or required business expenses incurred by an employee in connection with his employment and the reasonable rental value of equipment or supplies furnished by an employee to his employer; provided, however, that the employee shall maintain such reasonable records as will enable him to account to his employer for the amount of the rental or expenses actually incurred by him and that the employer shall keep such reasonable records as will show the portions of the total amount which represent respectively expenses and remuneration for services.

(b) The accounting between the employee and his employer required by subsection (a) of this Section shall be made in writing weekly,

*† For statutory and source citations, see note to §10.

semi-monthly, or monthly within 15 days following the close of the period adopted for the accounting and a copy thereof shall be retained by the employer as a part of the employment records required to be kept by such employer in compliance with Section 95 of the act.

(c) Amounts paid to an employee as reimbursement for expenses which are not accounted for and reported to the employer in the manner and at the time provided in this Section will not be allowed as a deduction in determining taxable wages and the entire amount paid will be considered wages on which employer and worker contributions shall be required.

(d) In lieu of computing deductions for automobile expenses on the basis of the actual expense incurred, such deductions may be taken on either of the following bases if found reasonable by the Department:

(1) A reasonable fixed mileage rate, or
(2) A reasonable flat monthly allowance.

Where the employer computes the deductions on a fixed mileage basis, an actual record of the miles traveled by the worker in the employer's business shall be reported by the worker to his employer and a record thereof maintained by the employer.*†

65. Limitation on Amount of Taxable Wages. If remuneration paid for subject employment performed by an employee for an employer during any calendar year exceeds $3,000, the taxable wage shall not include that part of such remuneration which is in excess of the first $3,000 paid. If the employee works for more than one employer during the calendar year, each of his employers shall include as wages the first $3,000 paid to such employee with respect to subject employment during such calendar year. Wages which are subject to the unemployment insurance law of another jurisdiction or are not subject to the act for any other reason shall not be included in determining the application of the $3,000 limitation. (Added April 1, 1945.)*†

Article 7. Contributions

70. Contributions. Every employer subject to the act shall pay contributions at the rates specified in Sections 38 and 44 of the act based upon wages paid by an employer to an employee in employment subject to the act, unless a reduced employer contribution rate has been computed in accordance with Sections 39 to 42 of the act. (Added April 1, 1945.)*†

71. Employee Deductions. Contributions from employees at the rates prescribed in Section 44 of the act shall be deducted by the employer from wages paid to the employee at the time such wages are paid and shall be transmitted to the Department by the employer, in addition to his own contributions, in accordance with the act and these regulations. Deductions for employee contributions shall not be made before the day on which the employing unit qualifies as subject to the provisions of the act. Where an employee is paid daily, weekly, bi-weekly, or upon a piece-time or other basis for services performed by him during a calendar

*† For statutory and source citations, see note to §10.

month, the employer may elect to deduct the contribution required of such employee at one time during such month.*†

72. Statement of Employee Deductions. (a) All employers subject to the provisions of the act shall furnish to each of their employees a periodic written statement in a form suitable for retention by the employee, covering all wages paid by him to the employee and all deductions therefrom made in accordance with the requirements of Section 44 of the act. Each statement shall cover a calendar year, or one, two, three, or four calendar quarters, whether or not within the same calendar year, and shall show the name of the employer, the name of the employee, the period covered by the statement, the total amount of wages paid within such period and the amount of the tax imposed by Section 44 which has been withheld. Such statement shall be furnished to the employee not later than the last day of the second calendar month following the period covered by the statement, except that if the employee leaves the employ of the employer, the final statement shall be furnished on the day on which the last payment of wages is made to the employee.

(b) The employer may, at his option, furnish such a statement to any employee at the time of each payment of wages to the employee during any calendar quarter in lieu of the statement covering such quarter and in such case, the statement may show the date of payment of the wages, in lieu of the period covered by the statement.*†

73. (a) **Filing of Returns and Payment of Contributions.**

(1) Except as provided in Section 45.6 of the act and Section 74 of this Article, each employer shall make a quarterly return of the contributions required by Sections 38, 39 and 44 of the act, based upon taxable wages paid computed in accordance with the provisions of Article 6 of these Regulations. Each employer shall also make a quarterly report of the wages paid to each of his workers. Failure to receive report forms shall not relieve the employer from his responsibility for filing required reports.

(2) Each quarterly return shall include, in addition to the payment of contributions for such quarterly period, a contribution report, a report of wages paid to each of his workers with respect to such quarterly period, a report of employment as of dates specified by the Department and such other schedules or reports as may be required, duly completed in all substantial respects on such forms as the Department may provide and in accordance with such instructions as may accompany said forms.

(3) The adoption of this regulation and the matter contained herein, shall not interrupt the running of interest or assessment of penalties with respect to contributions heretofore due and unpaid in accordance with such prior rules or regulations as may have been in effect at the time such contribution liability was incurred.

*† For statutory and source citations, see note to §10.

(b) **Returns Covering Seamen Employed Under Shipping Articles.**

(1) For the purposes of this Section, the term "pay period established by Shipping Articles" means the period of the voyage or engagement of the crew under "Articles of Agreement" purporting to comply with Section 564 of Title 46 of the United States Code, or any other agreement under which seamen are employed and under which they are not entitled to a final payment of wages until termination of the period of employment.

(2) Notwithstanding any other provision of these Regulations, contribution reports and wage reports with respect to wages earned in any pay period established by Shipping Articles shall be submitted as follows:

(A) The total amount of subject wages shall be included in the quarterly wage report and in the quarterly contribution report for the calendar quarter in which such period terminates, together with all other subject wages paid during such quarter.

(B) If an item of wages includes wages paid for a pay period established under Shipping Articles that extends into two or more calendar quarters, the employer shall show opposite such item the beginning and ending dates of pay periods covered by such item of wages. For the purpose of determining eligibility for and the amount of benefits, the Department shall apportion the amount of such item of wages among the calendar quarters covered by such item according to the length of employment in each of such quarters.

(C) The employer shall, upon request of the Department prior to its receipt of the quarterly wage reports, promptly furnish to the Department a statement of the subject wages of a seaman, whenever such statement is necessary in order to determine an unemployed seaman's eligibility for benefits. When such a statement covers subject wages which have not previously been included in a quarterly wage report and which are for a period of employment extending over more than one calendar quarter, the employer shall prepare such statement and the Department shall apportion such wages in the manner prescribed in paragraph (B) above. (Added April 1, 1945.)

(c) **Returns in Other Special Cases—Wages Due and Unpaid—Irregular Pay Periods—$3,000 Wage Limitation.**

(1) Wages due to an individual but unpaid within the time limit set forth in Sections 201, 202, 204 of the Labor Code shall be deemed wages paid on the last day of the time limit and included accordingly in the report of wages filed by the employer.

*† For statutory and source citations, see note to §10.

(d) The application of an election to any employee under this regulation shall terminate if the Department finds that the employee no longer customarily performs services in more than one state. Such termination shall be effective as of the close of the calendar quarter in which notice of such finding is mailed to all interested parties, or upon the termination of the employment of such employee with such employer, whichever first occurs.

(e) Except as provided in paragraph (d), each election approved hereunder shall remain in effect through the close of the calendar year in which it became effective, and thereafter until the close of the calendar quarter in which the electing unit gives written notice of its termination to all affected states.

(f) Whenever an election under this regulation ceases to apply to any employee, the employer shall notify the affected employee accordingly.

(g) When an election has been approved by this Department, and consented to by the interested states, the employer shall:

(1) Promptly notify each affected employee of its approved election on forms to be supplied by this Department; a copy of this notice shall be filed with this agency;

(2) Promptly notify any employee separated from his employment that his services have been covered by the California Unemployment Insurance Act, and inform him of the procedure for filing a benefit claim;

(3) Inform this Department of any change which occurs in the conditions of employment pertinent to its election, such as where an employee's services ceased to be customarily performed in more than one state or where a change in the work assigned to the employee requires him to be covered by another state.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 11-12-46 as an emergency (Register 6).

Article 4. Subject and Exempt Employment

40. Requesting Determination of Status. (a) Employment subject to the act provided it otherwise comes within the definition of the term "employment" as set forth in Section 6.5 of the act is service, including service in interstate commerce performed for wages or under any contract of hire, written or oral, express or implied.

(b) Whenever an employing unit is in doubt as to whether or not an individual is an employee, or is engaged in employment subject to the act, the employing unit shall submit a statement of all relevant facts to the Department for a determination as to the status under the act of such individual or employment.

41. Exempt Employment. (a) Employment subject to the act shall not include those employments excluded under Sections 7, 7.1 and 7.2 thereof and as further defined in these regulations unless an elective

coverage agreement with respect to such employment has been filed with and approved by the Department.

(b) Any employing unit which has established its status as an organization exempt under the act or that certain employment performed for it is not subject to contributions shall immediately notify the Department of any changes in the character of its organization, the purposes and manner of its operation or the changed manner in which employment theretofore determined to be exempt by the Department is performed.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 11-28-45 (Register 3).

42. Segregation of Exempt and Nonexempt Employment. (a) Where employees perform services for an employer in both exempt and nonexempt employments, such employer shall maintain accurate records showing the hours worked by and the wages paid to employees in each of said employments. Such segregation must be made with respect to each individual employee rather than on the basis of the employer's operations as a whole and may be made on a percentage or other basis found by the Department to be reasonable.

(b) If the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment.

(c) As used herein the term "pay period" means a period (of not more than 31 consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him.

43. Extent of Agricultural Labor Exemption. Agricultural labor exempted from "employment" by Section 7(a) of the Act includes all services performed:

(a) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting of any agricultural or horticultural commodity; the raising, feeding, and management of livestock, poultry and bees; which includes among others, the spraying, pruning, fumigating, fertilizing, irrigating and heating which may be necessary and incident thereto.

(b) In the employ of the owner or tenant of a farm on which the materials in their raw or natural state were produced, in connection with the drying, processing, packing, packaging, transporting, and marketing of such materials.

(c) In the employ of the owner or tenant of a farm with respect to ordinary farming operations in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, if substantially all of such services are performed on a farm.

(d) The provisions of subsections (b) and (c) are not applicable with respect to the services referred to unless such services are carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations. Nor are the provisions of said subsections applicable to services performed in commercial canning or commercial freezing.

(e) As used herein, the term "farm" includes, among others, stock, dairy, poultry, fruit and truck farms; plantations, ranches, ranges, nurseries, orchards and vineyards.

(f) Forestry and lumbering are not included within the exemption of agricultural labor.

44. **Extent of Domestic Service Exemption.** (a) Domestic service in a private home includes services performed by an employee in or about a private home of an individual or family, which service is of a general household nature, such as is customarily rendered by cooks, maids, butlers, valets, laundresses, furnace-men, gardeners, footmen, grooms, and chauffeurs of automobiles for family use.

(b) Effective with respect to wages paid for services performed on and after January 1, 1940, services above enumerated shall also constitute domestic service if performed in and around premises maintained and occupied for group living purposes by a local college club or local chapter of a college fraternity or sorority.

(c) No service shall be deemed "domestic service" if performed in or about rooming or lodging houses, boarding houses, hotels, commercial offices or establishments, clubs other than local college clubs or fraternity or sorority houses other than premises maintained for group living purposes by a local chapter of a college fraternity or sorority.

45. **Extent of Casual Labor Exemption.** (a) Casual labor not in the course of the employer's trade or business shall be deemed service performed by an employee for his employer which is occasional, incidental, and occurs irregularly; and which does not promote, advance, or further the trade or business of his employer.

(b) Service shall be "casual" where it is performed during a period of one calendar month or any two successive calendar months if such service is performed in not more than 10 calendar days, and where the total number of hours of work performed by all employees of the employer on the particular job or project does not exceed 200 hours. If an employee performs services for his employer in more than 10 calendar days, the term "casual labor" shall not include any of such services; or if the total hours of work on the particular job or project exceeds 200 hours, the services of all employees on the particular job or project shall not constitute casual labor, irrespective of the length of service of a particular employee, whether or not such services promote or advance the employer's trade or business.

(c) Service shall be deemed "not in the course of the employer's trade or business" only if such service in no way tends toward the preservation, maintenance or operation of the business, business premises or business property of the employer. "Trade or business" shall include

any business or professional undertaking irrespective of its extent without regard to the principal trade or business of the employer.

46. **Bands and Orchestras.** (a) **Independent Leader Employer.** As used herein the terms "independent band leader" refers to a person who operates a band or orchestra as an independent business enterprise, with the musicians under his direction and control. Illustrative of such an independent band leader is the leader of what is commonly known as a "name band." Such an independent band leader is the employer of the individual musicians employed in such a band or orchestra regardless of whether or not the written contract with the purchaser of the music contains a provision (such as is found in the contract form prescribed by the American Federation of Musicians commonly known as the "Form B" contract) purporting to make the purchaser of the music the employer of the individual musicians.

(b) **Purchaser of Music Employer.** The employing unit operating the establishment in which a band or orchestra performs, herein referred to as the "purchaser of the music," is the employer of the leader and musicians when such employing unit hires the musicians to play regularly as a "house band" or "staff orchestra," or under any arrangement whereby the leader and musicians are in fact subject to the direction and control of such employing unit.

(c) The facts and circumstances in each case will be considered in determining whether the band leader or the purchaser of the music is the employer. The following are illustrative of elements to be considered in making such a determination: (The Department is not limited, however, to the consideration of the elements listed nor is it necessary that all elements listed be present in order to make a determination in an individual case.)

Elements indicating the Band Leader to be the Employer	*Elements indicating the Purchaser of the Music to be the Employer*
Leader:—	Purchaser:—
organizes and trains band,	pays wages directly to each individual musician,
selects members with complete control over hiring and firing,	contracts individually with leader and musicians,
fixes salares and pays musicians,	had leader act as agent in assembling personnel,
tells musicians what and how to play,	determines amount or method of wage payment,
provides sheet music and arrangements,	requires direct responsibility of individual musicians,
contracts for lump sum and/or percentage of receipts out of which he pays wages, agents' commissions, transportation, and other expenses, residue being his profit or loss,	has right to change leader or musicians,
operates as an entrepreneur with the attendant risk of profit or loss,	requires rehearsals,
band or orchestra operates as integrated unit with more or less fixed personnel,	determines featured artists,
distinctive style in presentation and rendition of music built around leader.	band or orchestra regularly engaged as "house band," "staff orchestra," etc.,
	leader is performing services for wages only.

to include portions of a week which may occur at the beginning or end of any calendar year and employment past midnight shall be deemed to be employment on two days and likewise in two different weeks of the calendar year if the employment is prior and subsequent to midnight of any Saturday. (Added April 1, 1945)*†

33. **Acquisition of Business.** In determining within the meaning of Section 9(b) of the act whether or not there has been an acquisition of the organization, trade or business, or substantially all the assets thereof of another which at the time of acquisition was a subject employer the following shall apply: When there is transferred a severable portion of a trade, organization or business, the successor shall qualify as subject to the act as of the date of acquisition, provided the portion acquired considered separately has employed the number of individuals necessary to qualify as an employer subject to the act under the provisions of Section 9(a). (Filed December 28, 1945.)*†

34. **Elective Coverage.** In cases of an employing unit electing to become an employer subject to the act the following shall apply:

(a) Unless otherwise directed by the Department, the effective date of an elective coverage agreement filed by an employing unit under Section 15 of the act shall not be prior to the first day of the calendar quarter during which the application for elective coverage is filed nor subsequent to the first day of the calendar quarter immediately following the calendar quarter during which the application for elective coverage is filed. An application for elective coverage may be withdrawn by an employing unit for good cause at any time prior to its final approval.

(b) An application for elective coverage shall not be approved unless the employing unit establishes to the satisfaction of the Department that it will have a minimum taxable pay roll of at least $210 a calendar quarter for the quarter in which the application for elective coverage is filed and the next three succeeding calendar quarters.

(c) In no case shall an elective coverage agreement be approved unless and until it has been established that the employing unit making application for elective coverage is normally and continuously engaged in a regular trade, business, or occupation. An application for elective coverage will be disapproved if it appears that the employing unit at the time of making the application was insolvent or about to discontinue business for any reason, or that it is not normally and continuously engaged in a regular trade, business, or occupation. An employing unit shall furnish such evidence of financial stability as may be required by the Department.

(d) Any relative who would be exempt under Section 7(d) of the act if the employing unit were subject to the compulsory provisions of the act shall not be included within the scope of any elective coverage agreement.

(e) Notwithstanding any other provision of this Section, in the event an employing unit is not subject to the compulsory provisions of the act, but through error, inadvertence, or other reason, has paid con-

*† For statutory and source citations, see note to §10.

tributions to the unemployment fund, such payment may be construed, at the option of the Department and with the consent of the employing unit, as an election by the employing unit to become subject to the act as of the commencement of the period to which the contributions relate, subject to such conditions and restrictions as the Department may impose.

(f) (Rescinded. Filed December 28, 1945.)

35. Application for Termination of Coverage. (a) An application for termination of coverage within the meaning of Section 9.7 of the act to be considered by the Department with reference to any preceding year must be filed on or before January 31 of the next immediate succeeding calendar year and shall set forth the following:

(1) The employer account number;

(2) The name and address of the employer;

(3) A statement of the employer's employment experience indicating the number of weeks on some portion of a day of which there were four or more individuals in employment subject to the act during the preceding and current calendar year;

(4) A request for termination of coverage as of the first day of January of the calendar year during which the employer believes that he no longer qualifies as subject to the act.

(b) Provided, that any written memorandum received from an employer which can reasonably be considered as having been intended to constitute an application for termination of coverage may be so considered by the Department.

(c) The Department prior to the close of each calendar year shall send to each employer an application for termination of subject status.

(d) The Department for good cause may waive the requirements for filing an application for termination of coverage. (Added April 1, 1945.)*†

36. Employer's Election to Qualify for Benefits. (a) An election by an employer to have his services deemed to be services in employment filed pursuant to Section 15.1 of the act shall not be effective for any purpose until the application has been accepted by the Department. An application for such elective coverage shall not be approved by the Department unless all of the following conditions are found to exist:

(1) The applicant is an employer as defined in the act or is a member of a copartnership or other form of business organization which has qualified as an employer under the act and is regularly performing services on behalf of the employer.

(2) It has been established that the employer making application is normally and continuously engaged in a regular trade, business or occupation regularly employing one or more workers. An application will be disapproved if it appears that the employing unit at the time of making the application was

*† For statutory and source citations, see note to §10.

insolvent or about to discontinue business for any reason. An employing unit shall furnish such evidence of financial stability as may be required by the Department.

(3) The application requests that such elective agreement be effective for a period of not less than two complete calendar years or until the termination of the applicant's employment in his business. Unless otherwise directed by the Department, the effective date of an elective coverage agreement filed by an employing unit under Section 15.1 of the act shall not be prior to the first day of the calendar quarter during which the application for elective coverage is filed nor subsequent to the first day of the calendar quarter immediately following the calendar quarter during which the application for elective coverage is filed. An application for elective coverage may be withdrawn by an employer for good cause at any time prior to its final approval.

(b) An agreement for elective coverage pursuant to Section 15.1 of the act shall be continued in effect from year to year unless the employer on or before the thirty-first day of January following the initial two-year period or subsequent one-year periods of coverage has filed with the Commission a written notice requesting termination of such agreement.

(c) Benefits will not be paid to an individual based upon wage credits deemed earned pursuant to an elective coverage agreement under Section 15.1 of the act unless reports have been properly filed for all periods within the term of the agreement and the contributions due thereof have been paid. (Filed December 28, 1945.)*†

37. Employer's Election to Cover Multi-State Workers. (a) An election by an employer to cover services customarily performed by an employee in more than one state shall not be effective for any purpose until such election has been consented to by such employee, approved by this Department, and consented to by the other interested states. Such election shall not be approved unless the employee customarily performs services in more than one state, and the employer has furnished satisfactory evidence that the affected employee has acquiesced in the election. Such acquiescence, containing a statement by the employee that he concurs in the election, shall be retained in the employer's files during the period the election is in effect. Services customarily performed in more than one state means services performed in more than one state during a reasonable period, if the nature of the services gives reasonable assurance of continued performance in more than one state or if such services are required or expected to be performed in more than one state under the election.

(b) Pursuant to Section 56.5(a) of the Act an election to cover employees who perform services in two or more states shall not be approved unless:

*† For statutory and source citations, see note to §10.

(1) The employee performs some of his services in California; or

(2) The employee resides in California; or

(3) The employer has a place of business in California; and

(4) The employee covered by the election consents thereto.

(c) An election duly approved under this regulation shall become effective at the beginning of the calendar quarter in which the election was submitted, unless the election, as approved, specifies the beginning of a different calendar quarter. If an effective date earlier than the beginning of the calendar quarter in which the election is filed is requested, it shall be approved solely as to those states in which no liability existed to pay contributions for the earlier period.

(d) The application of an election to any employee under this regulation shall terminate if the Department finds that the employee no longer customarily performs services in more than one state. Such termination shall be effective as of the close of the calendar quarter in which notice of such finding is mailed to all interested parties, or upon the termination of the employment of such employee with such employer, whichever first occurs.

(e) Except as provided in paragraph (d), each election approved hereunder shall remain in effect through the close of the calendar year in which it became effective, and thereafter until the close of the calendar quarter in which the electing unit gives written notice of its termination to all affected states.

(f) Whenever an election under this regulation ceases to apply to any employee, the employer shall notify the affected employee accordingly.

(g) When an election has been approved by this Department, and consented to by the interested states, the employer shall:

(1) Promptly notify each affected employee of its approved election on forms to be supplied by this Department; a copy of this notice shall be filed with this agency;

(2) Promptly notify any employee separated from his employment that his services have been covered by the California Unemployment Insurance Act, and inform him of the procedure for filing a benefit claim;

(3) Inform this Department of any change which occurs in the conditions of employment pertinent to its election, such as where an employee's services ceased to be customarily performed in more than one state or where a change in the work assigned to the employee requires him to be covered by another state. (Filed 11-12-46; Effective 11-22-46.)*†

*† For statutory and source citations, see note to §10.

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Article 1. General Provisions

10. Authority to Adopt Rules and Regulations. The regulations contained herein are based upon Section 90(b) of the California Unemployment Insurance Act which provides as follows:

"Section 90(b). General and special rules and regulations for the administration of this act shall be adopted, amended or rescinded as follows:

(1) Each chief of each division shall have the power and authority in the first instance to formulate rules and regulations or amendments or rescissions of rules and regulations pertaining to matters falling within the jurisdiction of that division. A general rule or regulation, or the amendment, or rescission of any general rule or regulation shall become effective 10 days after filing with the Secretary of State and publishing in one or more newspapers of general circulation in this State, unless an appeal is taken to the appeals board as hereinafter in this subsection provided. Special rules or amendments or rescissions of such rules shall become effective 10 days after mailing notice thereof to the last known address of the individual or concern affected thereby, unless an appeal is taken to the appeals board as hereinafter in this subsection provided.

(2) Prior to the filing with the Secretary of State or to the sending of notice referred to in the previous subparagraph of this subsection (b) the chief of such division shall hold a public hearing, of which proper notice has been given, at which any persons interested in such rule or regulation shall have an opportunity to be heard.

(3) If at any such hearing any person opposes the proposed rule or regulation or amendment or rescission thereof, or if either of the commissioners who are designated also as chiefs of divisions opposes it, any such person or such commissioner may request a hearing before the appeals board. If such hearing is requested the matter shall be heard by the appeals board within 30 days from the date of such request, and the proposed rule or regulation or amendment or rescission thereof shall not become effective until and unless the appeals board has finally approved the same. If it does finally so approve then notice shall be given and the rule or regulation or amendment or rescission thereof shall become effective in the same manner and after the same period as provided in subparagraph (1) of this subsection (b)."

(Added April 1, 1945)

NOTE.—§§10 to 250, inclusive, issued under authority contained in Section 90(b) of the Unemployment Insurance Act, Statutes of 1935, Chapter 352; amended by Statutes of 1939, Chapter 1083; amended by Statutes of 1943, Chapter 1093; Deering's General Laws, Act 8780d. Source of §§10 to 343, inclusive, is the Rules and Regulations of the California Employment Stabilization Commission.

11. Notice and Hearing on Change Regulations. Whenever the adoption, amendment or rescission of any regulation is proposed there shall be held a public hearing thereon, at Sacramento, California, or at such other places as may appear necessary or desirable, and:

(a) At least 10 days' notice of the subject matter of such proposed action and the time and place of hearing shall be given by advertisement in a newspaper of general circulation in each of the cities of Sacramento, Los Angeles, San Diego, and San Francisco, and

(b) At least 10 days prior to such hearing, notice thereof shall be mailed to trade associations, chambers of commerce, labor organizations, employees' associations, and other firms and individuals who have signified their desire to receive such notice and who have requested that they be placed on a mailing list maintained for that purpose.

(c) Failure to mail the notice provided for in subsection (b) of this Section to any one or more of such associations, labor organizations, firms, or individuals shall not invalidate any action taken in adopting, amending or rescinding any regulation.*†

*† For statutory and source citations, see note to §10.

12. **Effective Date.** These regulations shall be effective on and after April 1, 1945. All existing rules and regulations relating to the Unemployment Insurance Act are hereby repealed as of April 1, 1945, but such repeal shall not be construed to relieve any individual or employing unit from any liability which may have accrued under the provisions of rules and regulations heretofore in effect. (Added April 1, 1945)*†

13. **Separability of Regulations.** Each section of each article of these regulations is intended and shall be construed as a separate regulation within the meaning of Section 90 of the Unemployment Insurance Act relating to the adoption, amendment, or rescission of Rules and Regulations. (Added April 1, 1945)*†

Article 2. Definitions

20. **Definitions.** Unless the context otherwise requires, the terms used in these regulations and in interpretations, forms and other official pronouncements issued by the California Employment Stabilization Commission, the California Unemployment Insurance Appeals Board, or the Department of Employment shall have the following meaning:

(a) All terms which are defined in the California Unemployment Insurance Act shall be construed in the sense in which they are therein defined.

(b) The singular shall include the plural and any gender shall include all genders.

(c) "Act" means the Unemployment Insurance Act (Chapter 352, Statutes 1935, as amended.)

(d) "Federal Unemployment Tax Act" refers to Sections 1600 through 1611 of the Federal Internal Revenue Code, as amended, and also refers to the taxing provisions formerly contained in Title IX of the Federal Social Security Act.

(e) "Commission" means the California Employment Stabilization Commission, created by Section 75 of the Act.

(f) "Appeals Board" means the California Unemployment Insurance Appeals Board, created by Section 77 of the Act.

(g) "Department" means the Department of Employment, created by Section 75 of the Act.

(h) "Month" means the time beginning with any day of one month to the corresponding day of the next month, or if there is no corresponding day, then through the last day of the next month.

(i) "Week" for contribution purposes only means the period of seven consecutive days, commencing at 12:01 A.M. on Sunday and ending at twelve midnight on Saturday.

(j) "Day" means the period of time between any midnight and the midnight following.

(k) "Social security number" means the social security account number provided for in the order of the Commissioner of Internal Revenue approved by the Secretary of the Treasury of the United States on November 5, 1936. (Added April 1, 1945)*†

*† For statutory and source citations, see note to §10.

TITLE 22. Social Security

Chapter 1. Department of Employment

Chapter 2. Department of Social Welfare

Printed April 1, 1945

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Article 1. Authority, Purpose, Scope and General Application

1101. Authority. Section 19813 of the Health and Safety Code provides that: "The State Fire Marshal may make such rules and regulations relating to inflammable articles as defined in Section 19810 as may reasonably be necessary to effectuate the purposes of this act and prevent the risk of fire and avoid the hazards of injury to life and property in this chapter described. He shall mail copies of all rules and regulations and amendments thereto to all vendors and trade associations filing a written request for such notification with him."

NOTE—§§ 1101 to 1159, inclusive, issued under authority contained in Section 19813, Health and Safety Code. Source of §§ 1101 to 1159, inclusive, is the Rules and Regulations of the State Fire Marshal.

1102. Purpose. It was recently called to the attention of the California State Legislature that various natural or synthetic fibers adapted and adaptable for use in the making of articles of wearing apparel are in some instances so highly inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and property. These rules and regulations are for the purpose of regulating the manufacture and sale of such articles as are determined by the State Fire Marshal to present a dangerous risk of fire and hazard of injury to persons or property.*†

1103. Scope. These Rules and Regulations shall govern the manufacture and sale in the State of California of all articles of wearing apparel, cloth, drapery, or other fabric or material made from or containing any natural or synthetic fiber or any other material used for or intended for use in wearing apparel which fall in the Group I or Group II classification as defined in Section 1117 of Article 3 and which will not successfully pass the tests set forth in this chapter and thereby constitute a dangerous risk of fire and hazard of injury to persons and property.

NOTE. Pending further research and study, articles which fall in the Group III or Group IV classification as defined in Section 1117 of Article 3 shall not be included under the scope of these rules and regulations.

These rules and regulations are not intended to cover such articles as hats (other than caps and hoods), footwear, gloves, hand-muffs, spectacles, pocketbooks, bill-folds and similar accessories, or interlining materials the surface of which is not exposed.

These rules and regulations shall be deemed to include yardage goods of the "Inflammable Article" type sold or offered for sale unless such

*† For statutory and source citations, see note to §1101.

inflammable materials are labeled with a plainly visible label stating: "DANGEROUSLY INFLAMMABLE. THIS MATERIAL SHOULD NEVER BE USED IN WEARING APPAREL." *† (Filed 2-13-47)

1104. General. Experiment and research has proven that, to prevent the risk of fire and avoid the hazard of injury inherent in certain types of garments and wearing apparel, it is necessary that such fabrics be subjected to uniform burning tests in a uniform way after having been prepared in a standard manner. The tests should disclose two things:

(a) The relative speed with which flame will travel either over the surface of the material or through the material itself.

(b) The relative flash or ignition properties of the material.*†

1105. The results of such tests determine the "relative hazard" of the material in comparison to a material that through experiment and actual use has shown that it does not present a greater than normal hazard. It is recognized that no single method could be established that would determine the relative hazard in every type of fabric or material and for that reason these rules and regulations specify that certain types of materials shall be subjected to certain specific tests.*†

1106. Test and experiment have also disclosed the fact that some articles burn much more intensely than others and the fire is usually more difficult to extinguish. Obviously this inherent quality increases the hazard to persons wearing garments made from this type of material, but no standard method has as yet been devised to determine the relative intensity with which an article burns nor the relative resistance to extinguishment of a fire therein. Until some standard method of testing these inherent qualities is discovered, it is necessary to depend upon the judgment of the person testing such material. Testing laboratories conducting inflammability tests on articles should include in their report a statement of their opinion as to the intensity with which the material burns and whether or not a fire in the material resists extinguishment.*†

Article 2. Definitions

1109. Definitions. For the purpose of these rules and regulations the following definitions are given.*†

1110. "**Article**" as used in this chapter means and includes any article of wearing apparel, cloth, drapery, or other fabric or material made from or containing any natural or synthetic fiber or any other material used or intended for use in wearing apparel.*†

1111. "**Drapery**" as used in these rules and regulations is construed to mean articles, materials, or fabrics that are draped about the person, such as confirmation veils, wedding veils, etc.*†

1112. "**Inflammable Article**" as used in this chapter is any article determined by the Fire Marshal to be so highly inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and

*† For statutory and source citations, see note to §1101.

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CHAPTER 6. PUBLIC FIREWORKS DISPLAYS

Article
1. Application
2. Permit
3. General Safety Orders
4. Authority In Case of Dispute

Article 1. Applications

975. Written applications for permits shall be made in duplicate at least 10 days in advance of the date of the proposed display.

NOTE.—§ § 975 to 999, inclusive, issued under authority contained in Section 12509, Health and Safety Code. Source of §§ 975 to 999, inclusive, is the Rules and Regulations of the State Fire Marshal.

976. Applications shall set forth:

(a) The name of the organization sponsoring the display, together with the names of persons actually in charge of the display.

(b) The date and time of day at which the display is to be held.

(c) The exact location planned for the display.

(d) A description setting forth the name, age, experience and physical characteristics of each person who is to actually discharge the fireworks.

(e) The numbers and kinds of fireworks to be discharged.

(f) The manner and place of storage of such fireworks prior to and during the display.

(g) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines or other overhead obstruction.

(h) Proof that satisfactory compensation insurance is carried for all employees.

(i) Proof of filing of $1,000 bond with two good and sufficient sureties.

977. Upon receipt of application the Chief of the Fire Department or the Chief Fire Prevention Officer to whom application is made shall make, or cause to be made, an investigation of the site of the proposed display for the purpose of determining whether the provisions of these regulations are complied with in the case of the particular display. He shall submit a written report in duplicate to the governing body of the city or county, recommending the granting or denial of the application, together with his reasons therefor.*†

Article 2. Permit

978. No permit shall be granted for any public display of fireworks where the discharge or falling of any fireworks or objects would endanger persons, buildings, structures, vehicles, forests, brush or other grass-covered land.*†

*† For statutory and source citations, see note to §975.

979. If the permit is granted it shall be the duty of the Chief of the Fire Department or the Chief Fire Prevention Officer to whom application is made, to send the State Fire Marshal after a display has been held:

(a) Duplicate of application for permit.

(b) Duplicate of report of his findings and recommendations.

(c) Report of the display, including such pertinent facts and statistical data as are essential.*†

980. If the permit is denied he shall send to the State Fire Marshal after denial:

(a) Duplicate of application for permit.

(b) Duplicate of report of his findings and recommendations.*†

Article 3. General Safety Orders

985. Spectators at public displays of fireworks shall be restrained behind lines or barriers as designated by the Chief of the Fire Department and the Chief of Police. Only persons in active charge of the display shall be allowed inside these lines or barriers.*†

986. All fireworks that fire a projectile or other rising or soaring part shall be so set that the projectile or other rising or soaring part will go into the air at such an angle as to safeguard operators, spectators and surrounding property.*†

987. Where fireworks, shells or bombs are fired from mortars, such mortars shall be of adequate strength, and so installed as to adequately provide for safe continuous discharge.*†

988. All fireworks shall be stored in substantial closed containers. Protective caps shall not be removed until fireworks are in position to be fired. Rockets shall be fired from substantial troughs so located as not to endanger operators, spectators and surrounding property.*†

989. Any vehicle or conveyor of fireworks shall be labeled in accordance with the provisions of the Motor Vehicle Code regulating transportation of explosives.*†

990. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.*†

991. Such fire extinguishers, shovels, wet sacks or other fire extinguishing equipment shall be provided as designated by the Fire Chief or Fire Prevention Officer.*†

992. There shall be at all times at least two operators of the display constantly on duty during the discharge.*†

993. The State Fire Marshal may issue certificates of competency to such pyrotechnics display operators as are considered qualified because of their experience in that field.*†

*† For statutory and source citations, see note to §975.

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CHAPTER 5. SPOTTING, SPONGING AND PRESSING ESTABLISHMENT; HATTERS AND FURRIERS

Article
1. Living Quarters
2. Electrical Installations
3. Solvents
4. Equipment and Appliances
5. General

Article 1. Living Quarters

872. Separation of Living Quarters. Living quarters shall be completely separated from the office and workroom of a shop or agency by a partition the full width and height of the room. All openings in such partition shall be fitted with doors or glazed sash. Acts and customs of domestic life, without exception, shall not be exercised except within that portion of the premises devoted to living quarters.*†

873. Housekeeping. Office, workroom, storage places and other areas shall be kept clean and free from any accumulations of material that may become ignited by spontaneous combustion or otherwise. Materials, supplies and wearing apparel shall be stored in an orderly and sanitary condition.*†

Article 2. Electrical Installation

878. (a) All electrical wiring and equipment shall comply with the Electrical Safety Orders of the Industrial Accident Commission of the State of California, and with local electrical ordinances.

(b) Pilot lights shall be provided for electric iron outlets.

(c) Dropcords for pendant fixtures and portable appliances shall be reinforced, heavy-duty cords with circuit connections within the room in which fixtures or appliances are located. Dropcords shall not exceed ten feet (10′) in length. Extension cords for irons and other heat appliances shall be of an approved heat resistant type.

(d) Motors rated in excess of $\frac{1}{3}$ horse power shall not be connected to a light circuit. Where a motor is connected to a 660 watt light circuit, not more than three lamp receptacles (computed at 40 watts each) or one plug receptacle (computed at 100 watts), shall be installed on the same circuit, and all such outlets shall be within one room.

(e) No person, firm or corporation shall modify, alter or extend any electric installations without obtaining a permit therefor from the proper inspection authorities. Where no local inspection authority has jurisdiction, a permit shall be obtained from the State Fire Marshal.

(f) Fuses not exceeding 20 amperes each shall be provided for each electrical circuit. No device shall be substituted for an approved fuse in any fuse receptacle.*†

*† For statutory and source citations, see note to §701.

Article 3. Solvents

883. Inflammable Solvents. (a) Not over one gallon in the aggregate of liquid or 8 pounds of other volatile and inflammable products or substances, shall be kept in or upon the premises. All containers shall be plainly labeled as to the nature of their contents. Inflammable solvents mixed with a non-inflammable chemical of greater volatility are classed as inflammable.

(b) Where more than one pint of an inflammable solvent is kept, it shall be stored in a non-explosive safety can, bearing the label of the Underwriters' Laboratories, Incorporated.

(c) Where one pint or less of an inflammable solvent is kept, it shall be stored in a metal container having a metal screw cap. Bottles having a capacity not to exceed two ounces kept tightly corked when not in actual use, may be used for inflammable spotting fluids. Such bottles shall be so arranged in racks as to prevent the spilling of solvent or the breakage of bottles.*†

Article 4. Equipment and Appliances

888. Boilers. (a) Boilers shall be fabricated, installed and equipped in accordance with the American Society of Mechanical Engineers' Boiler Code, the Boiler Safety Orders of the Industrial Accident Commission of the State of California, and any local boiler ordinances. Requirements which are most stringent shall apply.

(b) Each boiler shall be equipped, but not by way of limitation, with the following safety devices, all of which shall be maintained in efficient working condition:

Steam pressure gauge;
Pressure release safety valve;
Water gauge glass equipped with metal safety guard, shut-off valves at the top and bottom and a petcock at the lower shut-off valve;
Not less than two trycocks; and
A fusible plug.

(c) Boilers shall be located not less than six inches (6″) from unprotected, and not less than three inches (3″) from protected, combustible building construction. Combustible floors shall be protected where burners are less than eight inches (8″) therefrom. Protection materials shall be subject to approval.*†

889. Boiler Vents. (a) Boilers using solid or liquid fuel shall be vented to the outside atmosphere in accordance with the provisions of the Uniform Building Code. Boilers using gas shall be vented to the outside atmosphere by means of metallic or other approved incombustible vents. Vents may be connected to approved chimney flues or patent chimneys. Chimney flues shall have not less than 20 per cent greater area than the vent leading thereto, and they shall be used for no other purpose. Vents shall be installed not less than three inches (3″) from unprotected, nor less than one and one-half inches (1½″) from protected, combustible building construction.

*† For statutory and source citations, see note to §701.

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Subchapter 4. Dry Cleaning Equipment Employing Volatile and Inflammable Solvent Having a Flash Point (Closed Cup Test) Less Than 138.5 Degrees Fahrenheit.

Article
1. Application
2. Approval of Building and Machinery
3. Solvent Storage and Circulation
4. Machinery
5. Fire Protection
6. Ventilating, Lighting and Electric Equipment
7. Maintenance and Operation
8. Miscellaneous

Article 1. Application

783. (a) **Application and Permit.** No person, firm, or corporation, shall construct any building or install any machinery in any clothes cleaning establishment without first having filed application with the State Fire Marshal for a permit.

(b) **Re-opening of Discontinued Plants.** A plant shall be deemed to be discontinued when its operation has ceased for a period of six months or more. Before such an establishment may be re-opened, it shall conform to all of the provisions of the Health and Safety Code, and shall comply in full with these Rules and Regulations.*†

784. Approval Necessary Before Operating Plant. No person, firm, or corporation, shall establish, maintain, or operate any clothes cleaning establishment until a survey has been made by the State Fire Marshal and his approval for operation has been granted.*†

Article 2. Approval of Building and Machinery

789. Design and Construction of Building. All processes of cleaning, washing, extracting, drying and deodorizing, and all processes incident to solvent storage, circulation, distillation, purification, rectification, recovery or treatment in a clothes cleaning establishment employing an inflammable solvent with a flash point below 138.5 degree Fahrenheit shall be conducted and carried on in a hazardous building designed, constructed and equipped in accordance with the provisions of the Health and Safety Code.

No room of a hazardous building shall be used for any purpose other than that designated by its definition in Sections 13207 to 13215, inclusive, of the Health and Safety Code.

Local ordinances which are more stringent than the Code and these rules and regulations shall govern the location, design, construction and operation of clothes cleaning establishments.*†

790. Blueprints. Blueprints shall be submitted in accordance with Sections 13302, 13303 and 13304 of the Health and Safety Code, and approval thereof obtained before starting any construction, machinery installation, or rearrangement in a clothes cleaning establishment.

The installation of any other type of equipment in addition to that for which a license has been issued, at the address as shown on the face of the license, is permissible provided, that the necessary application and blueprints are submitted to, and approved by, the State Fire Marshal.*†

*† For statutory and source citations, see note to §701.

791. Approval of Machinery. No machine, apparatus, appliance, or device shall be used in a clothes cleaning establishment, unless its operation, structural integrity, condition and placement have been approved by the State Fire Marshal. Any present installation not meeting with the approval of the State Fire Marshal as to type, construction, condition, or placement, shall be immediately removed, remodeled, reconditioned, or relocated. All machinery, appliances and fittings shall conform to the minimum requirements indicated below.*†

Article 3. Solvent Storage and Circulation

796. Underground Solvent Storage and Solvent Circulating System. (a) Clothes cleaning establishments covered by the rules and regulations set out in this Subchapter shall provide underground storage for all solvents.

(b) **Solvent Storage Tanks.** All solvent storage tanks shall be buried four feet (4′) underground and not less than four feet (4′) from any building or property line unless adjacent to an alley, street or sidewalk. (Local authorities shall be consulted regarding underground solvent storage installations.)

(c) **Location.** Solvent storage tanks shall not be located with less than twelve inch (12″) separation between tanks.

(d) **Material and Construction of Underground Tanks.** Tanks shall be constructed of galvanized steel, of open hearth steel or of wrought iron of a thickness not less than that specified in the following table:

Capacity (Gallons)	*Minimum Thickness, U. S. Standard Gauge*
1 to 285	No. 16
286 to 560	No. 14
561 to 1100	No. 12
1101 to 4000	No. 7
4001 to 12000	¼ inch
12001 to 20000	5/16 inch
20001 to 30000	⅜ inch

(1) All joints of tanks shall be riveted and caulked, brazed, welded, or made tight by some equally satisfactory process. Tanks shall be sufficiently strong to bear without injury the most severe strains to which they may be subjected in use. Shells of tanks shall be properly reinforced where connections are made, and all connections shall be made through the top of the tank above the liquid level.

(2) All iron or steel tanks shall be thoroughly coated on the outside with a tar, asphaltum or other suitable rust-resisting material.

(3) All underground storage tanks shall be constructed under a nationally recognized code and so labelled.

Underground storage tanks shall be set on solid footing and the fill around the tank shall be of a soil which will not injure the protective coating on the tank.

(4) Where the subterranean condition is such that the tank may be floated when empty, suitable anchors shall be provided to hold the tank in position.

*† For statutory and source citations, see note to §701.

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CHAPTER 4. DRY CLEANING EQUIPMENT EMPLOYING VOLATILE AND INFLAMMABLE SOLVENT HAVING A FLASH POINT (CLOSED CUP TEST) LESS THAN 138.5 DEGREES FAHRENHEIT.

Article
1. Application
2. Approval of Building and Machinery
3. Solvent Storage and Circulation
4. Machinery
5. Fire Protection
6. Ventilating, Lighting and Electric Equipment
7. Maintenance and Operation
8. Miscellaneous

Article 1. Application

783. (a) **Application and Permit.** No person, firm, or corporation, shall construct any building or install any machinery in any clothes cleaning establishment without first having filed application with the State Fire Marshal for a permit.

(b) **Re-opening of Discontinued Plants.** A plant shall be deemed to be discontinued when its operation has ceased for a period of six months or more. Before such an establishment may be re-opened, it shall conform to all of the provisions of the Health and Safety Code, and shall comply in full with these Rules and Regulations.*†

784. Approval Necessary Before Operating Plant. No person, firm, or corporation, shall establish, maintain, or operate any clothes cleaning establishment until a survey has been made by the State Fire Marshal and his approval for operation has been granted.*†

Article 2. Approval of Building and Machinery

789. Design and Construction of Building. All processes of cleaning, washing, extracting, drying and deodorizing, and all processes incident to solvent storage, circulation, distillation, purification, rectification, recovery or treatment in a clothes cleaning establishment employing an inflammable solvent with a flash point below 138.5 degree Fahrenheit shall be conducted and carried on in a hazardous building designed, constructed and equipped in accordance with the provisions of the Health and Safety Code.

No room of a hazardous building shall be used for any purpose other than that designated by its definition in Sections 13207 to 13215, inclusive, of the Health and Safety Code.

Local ordinances which are more stringent than the Code and these rules and regulations shall govern the location, design, construction and operation of clothes cleaning establishments.*†

790. Blueprints. Blueprints shall be submitted in accordance with Sections 13302, 13303 and 13304 of the Health and Safety Code, and approval thereof obtained before starting any construction, machinery installation, or rearrangement in a clothes cleaning establishment.

The installation of any other type of equipment in addition to that for which a license has been issued, at the address as shown on the face of the license, is permissible provided, that the necessary application and blueprints are submitted to, and approved by, the State Fire Marshal.*†

*† For statutory and source citations, see note to §701.

791. Approval of Machinery. No machine, apparatus, appliance, or device shall be used in a clothes cleaning establishment, unless its operation, structural integrity, condition and placement have been approved by the State Fire Marshal. Any present installation not meeting with the approval of the State Fire Marshal as to type, construction, condition, or placement, shall be immediately removed, remodeled, reconditioned, or relocated. All machinery, appliances and fittings shall conform to the minimum requirements indicated below.*†

Article 3. Solvent Storage and Circulation

796. Underground Solvent Storage and Solvent Circulating System. (a) Clothes cleaning establishments covered by the rules and regulations set out in this Subchapter shall provide underground storage for all solvents.

(b) **Solvent Storage Tanks.** All solvent storage tanks shall be buried four feet (4′) underground and not less than four feet (4′) from any building or property line unless adjacent to an alley, street or sidewalk. (Local authorities shall be consulted regarding underground solvent storage installations.)

(c) **Location.** Solvent storage tanks shall not be located with less than twelve inch (12″) separation between tanks.

(d) **Material and Construction of Underground Tanks.** Tanks shall be constructed of galvanized steel, of open hearth steel or of wrought iron of a thickness not less than that specified in the following table:

Capacity (Gallons)	*Minimum Thickness, U. S. Standard Gauge*
1 to 285	No. 16
286 to 560	No. 14
561 to 1100	No. 12
1101 to 4000	No. 7
4001 to 12000	¼ inch
12001 to 20000	5/16 inch
20001 to 30000	⅜ inch

(1) All joints of tanks shall be riveted and caulked, brazed, welded, or made tight by some equally satisfactory process. Tanks shall be sufficiently strong to bear without injury the most severe strains to which they may be subjected in use. Shells of tanks shall be properly reinforced where connections are made, and all connections shall be made through the top of the tank above the liquid level.

(2) All iron or steel tanks shall be thoroughly coated on the outside with a tar, asphaltum or other suitable rust-resisting material.

(3) All underground storage tanks shall be constructed under a nationally recognized code and so labelled.

Underground storage tanks shall be set on solid footing and the fill around the tank shall be of a soil which will not injure the protective coating on the tank.

(4) Where the subterranean condition is such that the tank may be floated when empty, suitable anchors shall be provided to hold the tank in position.

*† For statutory and source citations, see note to §701.

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CHAPTER 3. DRY CLEANING EQUIPMENT EMPLOYING COMMERCIALLY MOISTURE-FREE SOLVENT HAVING A FLASH POINT (CLOSED CUP TEST) ABOVE 138.5 DEGREES FAHRENHEIT

Article
1. Definitions
2. Filing Application
3. Processes
4. Equipment
5. Enclosure
6. Fire Protection
7. Ventilation, Lighting, Heating
8. Maintenance
9. Solvents

Article 1. Definitions

701. When reference is made to "a clothes cleaning establishment" in these rules it shall mean a clothes cleaning establishment employing a flammable solvent having a flash point of not less than 138.5 degrees Fahrenheit (closed cup test).

NOTE.—§§ 701 to 758, inclusive, issued under authority contained in Sections 13252 and 13350, Health and Safety Code. Source of §§ 701 to 758, inclusive, is the Rules and Regulations of the State Fire Marshal.

702. When reference is made in these rules and regulations to a "solvent" it shall mean any commercially moisture-free solvent having a flash point (closed cup test) of not less than 138.5 degrees Fahrenheit at any time during a complete evaporation test.*†

Article 2. Filing Application

707. No person, firm, or corporation shall install any machinery or operate any clothes cleaning establishment without first filing application with the State Fire Marshal for a permit.*†

708. Every application for a permit to construct a clothes cleaning establishment as defined in these rules and regulations shall be accompanied by four blueprints, not exceeding twenty-four by forty-two inches (24"x42") in size, on which shall be delineated a plot made to a scale of not less than one-sixteenth of an inch (1/16") to a foot, showing:

(a) The floor plan of the building in which the cleaning unit or units are to be installed and the property lines of the property on which the structure is located.

(b) The other occupancies within the building each side, above and below the area in which the cleaning unit is to be installed.

(c) The location of the cleaning unit within the structure.

(d) The location, horsepower and housing of the steam boiler.*†

709. Blueprints shall also show a three-eighths or one-half inch scale detail plan of each unit cabinet or housing, indicating:

(a) All major dimensions, including heights.

(b) The sections and materials used in the construction of each wall, partition, roof and floor.

(c) The location and size of each door, window and skylight opening.

(d) The location of each riser duct, and the arrangement of the ventilating system.

*† For statutory and source citations, see note to §701.

(e) The run of all steam or other fixed fire extinguishing equipment, including the location of each outlet control valve.

(f) The arrangement of each operating apparatus and appliance.*†

NOTE.—Certification by the local building inspector or a registered structural engineer as to the structural stability of the floor upon which the machinery is to be placed may be required if deemed necessary by the State Fire Marshal.

710. A cleaning establishment as defined in these rules and regulations shall not be installed or used in a building occupied in whole or in part as a dwelling, apartment house, hotel, restaurant, or place of public assemblage.*†

Article 3. Processes

715. All processes of cleaning, washing, extracting, dry-cleaning and deodorizing incident to dry cleaning, and all processes incident to solvent storage, circulation, distillation, purification, rectification, recovery or treatment in a clothes cleaning establishment as defined in these rules and regulations shall be conducted and carried on in a complete dry cleaning unit or units which are approved and listed for safe operation with commercially moisture-free solvent having a flash point (closed cup test) of not less than 138.5 degrees Fahrenheit by a laboratory nationally recognized as properly equipped to make the designation.*†

Article 4. Equipment

720. The location, installation and operation of all machinery, appliances and fittings shall be subject to approval of the State Fire Marshal. All such machinery, appliances and fittings shall conform to the minimum requirements as follows:

(a) **Systems or Units.** All systems or units shall be designed to form a complete dry cleaning system in which all of the processes of washing, extracting, drying, deodorizing and those of solvent treatment and recovery may be completed in an approved manner, and shall consist of one or more washers, extractors, drying and deodorizing units, solvent circulating pumps, solvent circulating piping, solvent storage tanks, and solvent stills or clarifiers, all of which are so assembled as to form a complete dry cleaning system.

(b) **Washers.** The outer shell shall be of metal, substantially constructed. The loading door opening shall be equipped with a close-fitting door so designed as to prevent solvent leaks due to splash. Cylinder bearings shall be of a type that will prohibit leaking around the cylinder trunnion shaft. The outer shell shall be equipped with tight-fitting inlet line and a solvent outlet line. There shall be an overflow line one pipe-size larger than the inlet line located below the lower bearing level to prohibit solvent from rising above that point or be equipped with an automatic solvent level control device.

The inner cylinder of the washer may be of either wood or metal. All metal parts on wooden cylinders shall be bonded together with not less than No. 10 copper wire or grounding strap of equal cross sectional area and attached to the trunnion shaft on the end of the cylinder. The trunnion shaft shall be effectively grounded to the frame by means of an approved brush or wiping contact.

*† For statutory and source citations, see note to §701.

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CHAPTER 2. CANVAS TENT AND STRUCTURES OF SIMILAR FLAMMABLE MATERIAL

Article
1. Purpose and Scope
2. Definitions
3. General
4. Inspection Authority
5. Location of Tents
6. Structural Stability
7. Flame-Retardant Treatment
8. Testing fire-retardant qualities
9. Fire Protection
10. Exits
11. Capacity Limits and Seating Arrangements
12. Heating Equipment
13. Storage Flammable Liquids
14. Housekeeping

Article 1. Purpose and Scope

451. Purpose and Scope. In order to safeguard life and property from fire or panic, the use of tents used for, or in connection with, a place of assemblage in the State of California shall be subject to the requirements of these rules and regulations.

NOTE.—§§ 451 to 513, inclusive, issued under authority contained in Section 13116, Health and Safety Code. The source of §§ 451 to 513, inclusive, is the Rules and Regulations of the State Fire Marshal.

Article 2. Definitions

455. Place of Assemblage. For the purpose of these rules and regulations, a place of assemblage shall include any circus, side show, carnival, tent show, theater, skating rink, dance hall, or any other exhibition, production, engagement, or offering, or other place of assemblage in or under which 10 or more persons may gather for any lawful purpose.*† (Effective 9-15-45)

456. Tent. A tent is defined as any structure or enclosure constructed of canvas or other combustible fabric, or of any other material that is more conductive to the rapid spread of fire than one inch nominal thickness Oregon pine wood.*†

Article 3. General

460. Violation to Establish, Maintain or Operate. No person, copartnership, firm, or corporation shall establish, maintain, or operate a place of public assemblage in any tent or other fabric enclosure unless the erection, treatment, location, maintenance, operation and all other requirements of these rules and regulations are complied with.* †

461. Local Ordinances. Nothing contained in these rules and regulations shall be considered as abrogating the provisions of any ordinance, rules, or regulations of any city, city and county, or county governmental agency.* †

462. Parking of Automobiles. Automotive equipment that is necessary to the operation of the establishment shall not be parked less than twenty feet (20′) from any tent. No other automobile shall be parked less than one hundred feet (100′) from a tent except upon a public street.* †

*† For statutory and source citations, see note to §451.

Article 4. Inspection Authority

466. Inspection Authority. For the purpose of these rules and regulations, the inspection authority shall be the State Fire Marshal, any salaried field assistant employed by the State Fire Marshal, or any active chief of a fire department or any city fire marshal who has been legally appointed as a Deputy State Fire Marshal.* †

Article 5. Location of Tents

470. Location of Tents. (a) Tents shall be located not less than ten (10′) feet from any property line or permanent structure except where the property line is a street or alley.

(b) Tents having a floor area in excess of 1,500 square feet, but less than 15,000 square feet shall be located not less than thirty (30′) feet from any other tent or structure.

(c) Tents having an area in excess of 15,000 square feet shall be located not less than fifty (50′) feet from any other tent or structure.

(d) Tents may be joined together by means of corridors, but such corridors shall be open to the sky. On each side of such corridor and directly opposite each other, there shall be provided openings equivalent to the width of the corridor. These openings shall be equipped with sliding curtains or left entirely open and clear of any obstruction.

(e) An unobstructed passageway not less than six feet (6′) in width and free from guy ropes or other obstructions shall be maintained on all sides of all tents having an area of more than 1,500 square feet, but less than 15,000 square feet. If the area of the tent exceeds 15,000 square feet, or if the seating capacity exceeds 1,000 persons, the unobstructed areaway shall be not less than ten (10′) feet in clear width.

(f) The distance between tents, or tents and other structures, shall be measured from side-wall to side-wall.

Exception: Where conditions make it impossible to provide the required distance between tents as specified in subparagraphs (b) and (c) the inspection authority may approve the locating of tents closer than that specified if required passageways are provided, and in his opinion adequate safety will be afforded. (Filed 4-1-46; effective 4-1-46)

Article 6. Structural Stability

474. Structural Stability. Tents and their appurtenances shall be adequately roped, braced and anchored to withstand the elements of weather against collapsing.* †

Article 7. Flame-Retardant Treatment

478. Flame-Retardant Treatment. The side walls, drops and top of all tents used for, or in connection with, any place of assemblage shall be treated with a fire-retardant solution that will (to the satisfaction of the inspection authority) withstand the fire test hereinafter provided or some other equally rigid fire-resistive test. All bunting and

*† For statutory and source citations, see note to §451.

TITLE 19. Public Safety

STATE FIRE MARSHAL

Printed August 13, 1945

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Chapter 1. Building Construction

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Article 1. Definitions

1. For the purpose of these rules and regulations, certain terms, phrases, words and their derivatives shall be construed as set out in this section. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine. Wherever a section or article is referred to in these rules and regulations by number it shall be understood to refer to a section or article of these rules and regulations.

(a) (1) **Alley.** Any public space, public park or thoroughfare less than sixteen feet (16′) but not less than ten feet (10′) in width which has been dedicated or deeded to the public for public use.

(2) **Alteration.** Alter or alteration means any change, addition or modification in construction or occupancy.

(3) **Apartment** is a room or suite of rooms which is occupied or which is intended or designed to be occupied by one family for living and sleeping purposes.

(4) **Apartment house** is any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

(5) **Approved** as to materials and types of construction, refers to approval by the Building Inspector as the result of investigation and tests conducted by him, or by reason of accepted principles or tests by national authorities, technical or scientific organizations.

(6) **Area** (see "Floor Area").

(7) **Attic story** is any story situated wholly or partly in the roof, so designated, arranged or built as to be used for business, storage or habitation.

(b) (1) **Balcony** is that portion of the seating space of an assembly room, the lowest part of which is raised four feet (4′) or more above the level of the main floor.

(2) **Basement** is that portion of a building between floor and ceiling, which is partly below and partly above grade (as defined in this subsection), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. (See "Story").

(3) **Bay window** is a rectangular, curved or polygonal window, supported on a foundation extending beyond the main wall of the building.

(4) **Building** is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

(5) **Building—Existing Building** is a building erected prior to the adoption of these rules, or one for which a legal building permit has been issued.

(6) **Building inspector** shall mean the Chief Building Inspector or any regularly authorized deputy.

(c) (1) **Cast stone** is a building stone manufactured from cement concrete precast and used as a trim, veneer or facing on or in buildings or structures.

(2) **Cellar** is that portion of a building between floor and ceiling which is wholly or partly below grade (as defined in this subsection) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (See "Story").

(3) **Chief of the Fire Department** shall mean the head of the Fire Department or any regularly authorized deputy.

(4) **Code—Uniform Building Code** adopted by the Pacific Coast Building Officials Conference, October 1927, as Amended, 1940 Edition.

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TITLE 17. Public Health

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Printed August 15, 1945

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least one dozen samples must be submitted of each brand for which registration is requested.

(b) Each manufacturer shall submit to the California State Board of Pharmacy a photostatic copy of the trade mark ownership of all prophylactics which they desire registered. *†

1739. Record of Sales by Wholesale Dealers. Licensed wholesale prophylactic dealers shall keep a record of all prophylactic sales to licensed retailers. These records shall include the retailer's prophylactic license number, together with the quantity of merchandise purchased. These records shall be kept for a period of at least one year. *†

Article 6. Dangerous Drugs

1744. Penicillin. All preparations of penicillin for internal and/or parenteral use may be sold only upon prescription of a physician, dentist, chiropodist or veterinarian and can be refilled only upon the order of the prescriber; topical applications of penicillin excepted. *†

Article 7. Fees and Penalties

1749. Penalties. (a) The penalty for the failure to pay the annual renewal fee for a permit to conduct a pharmacy on or before November 1st of each year as provided for in Section 4039 of the Business and Professions Code is one dollar ($1).

(b) The penalty for the failure to pay the annual renewal fee for a registered pharmacist on or before July 1st of each year as provided for in Section 4250 of the Business and Professions Code is two dollars ($2).

(c) The penalty for the failure to pay the annual renewal fee for a retail license to sell prophylactics on or before November 1st of each year as provided for in Section 21224 of the Business and Professions Code is two dollars ($2).*† (§§1700 to 1749, inclusive, except §1731, filed 10-3-46)

*† For statutory and source citations, see note to §1700.

1711. Equipment and Miscellaneous Supplies. The owner of a pharmacy in which prescriptions are compounded shall maintain in such pharmacy at least the following equipment and miscellaneous supplies: One suitable prescription scale, accurate to one-half grain; weights, either apothecary set from one-half grain to one ounce, or metric set from 10 milligrams to 50 grams; at least six graduates, varying in size from 2 drams to 16 ounces; at least four mortars, together with pestles, glass or Wedgewood, ranging in size from 2 ounces to 16 ounces; at least four spatulas of assorted sizes; funnels, glass or plastic, at least three assorted sizes; pill tile, glass or porcelain; ointment slab; a reasonable amount of consumable material, filter paper, powder papers, litmus paper, empty capsules, ointment jars, bottles, pill and powder boxes, labels and distilled water; exempt narcotic and poison record book and suitable prescription file; adequate supply of prescription and poison labels; and a current U.S.P. and N.F. *†

1712. Posting Schedules of Official Antidotes. The owner of a pharmacy in which prescriptions are compounded shall post the schedule of antidotes for various poisons adopted by the Board pursuant to the provisions of Section 3 of the Poison Law (Stats. 1907, Chapter 102, page 124, as amended) in a conspicuous place in such pharmacy. *†

1713. Clean and Orderly Condition of Pharmacy. The owner of a pharmacy in which prescriptions are compounded shall maintain such pharmacy and the equipment therein in a clean and orderly condition. *†

*† For statutory and source citations, see note to §1700.

CHAPTER 17. CALIFORNIA STATE BOARD OF PHARMACY

Printed December 5, 1946

Article
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2. Pharmacies
3. Licentiates in Pharmacy
4. Schools or Colleges of Pharmacy
5. Prophylactics
6. Dangerous Drugs
7. Fees and Penalties

Article 1. General Provisions

1700. Location of Offices. The principal office of the California State Board of Pharmacy is located at 515 Van Ness Avenue, San Francisco 2, California, and a branch office is located at 907 California State Building, Los Angeles 12, California.

NOTE.—§§1700 to 1728, inclusive, issued under authority contained in Sections 4009 and 4010 of the Business and Professions Code. §§1733 to 1739, inclusive, issued under authority contained in Section 21208 of the Business and Professions Code. §1744 issued under authority contained in Section 29041 of the Health and Safety Code. §§1749(a) and 1749(b) issued under authority contained in Section 4256 of the Business and Professions Code. §1749(c) issued under authority contained in Section 21208 of the Business and Professions Code. Source of §§1700 to 1749, inclusive, is the Rules and Regulations of the California State Board of Pharmacy.

1701. Tenses, Gender, and Number. For the purpose of the rules and regulations contained in this subchapter, the present tense includes the past and future tenses, and the future, the present; each gender includes the other two genders; and the singular includes the plural and the plural, the singular.*†

1702. Definitions. For the purpose of the rules and regulations contained in this subchapter, the term "Board" means the California State Board of Pharmacy.*†

1703. Delegation of Certain Functions. The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpenas and subpenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the secretary, or, in his absence from the office of the Board, the acting secretary.*†

1704. Filing of Addresses. Each person holding a certificate of registration, license, permit or any other authority to practice or engage in any activity in the State of California under any and all laws adminis-

*† For statutory and source citations, see note to §1700.

tered by the Board shall file his proper and current mailing address with the Board at its office in San Francisco and shall immediately notify the Board at its said office of any and all changes of mailing address, giving both his old and his new address. *†

1705. Notice of Change of Address and of Business Name. Every person holding a certificate of registration, license, permit or any other authority to practice or engage in the business of pharmacy in the State of California under all laws administered by the California State Board of Pharmacy, is hereby directed and required to file with the Board any change of address of his business or any change of name of any person or business within thirty (30) days after such change of address or change of name of any person or business has been made.*† (Section 11505, Government Code; Filed 7-18-47; Effective 7-18-47)

1706. Delegating Certain Functions. The power and discretion conferred by law upon the California State Board of Pharmacy to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code, set and calendar contested cases for hearing, and other functions necessary to the businesslike dispatch of the business of the California State Board of Pharmacy in connection with the presentation of contested proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings, and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the Executive Secretary of the California State Board of Pharmacy.*† (Section 11500, Government Code; Filed 7-18-47)

Article 2. Pharmacies

1709. Application for Permit to Conduct Pharmacy. An application for a permit to conduct a pharmacy shall be submitted on an application form prescribed and provided by the Board, accompanied by such evidence, statements, or documents as therein required, and filed with the Board at its office in San Francisco. *†

1710. Supply of Drugs and Chemicals. (a) The owner of a pharmacy in which prescriptions are compounded shall maintain in such pharmacy an adequate supply of drugs and chemicals. Such drugs and chemicals shall meet all standards of strength and purity as established in the current edition of U.S.P. and N.F. and shall be properly stored. Pharmaceuticals which vary from the purity specified on the label or are unfit for use due to deterioration or other causes shall not be carried in stock.

(b) The owner of a pharmacy in which prescriptions are compounded shall maintain in such pharmacy a representative stock, as commonly found in drug stores, of the following: Fluid extracts; tinctures; spirits; medicinal waters; elixirs; household drugs, both wet and dry; pills and tablets; chemicals; ointments; extracts; pharmaceuticals; and biologics. *†

*† For statutory and source citations, see note to §1700.

CHAPTER 14. BOARD OF NURSE EXAMINERS

Printed December 5, 1946

Article 1. General Provisions
Article 2. Registration

Article 1. General Provisions

1400. Location of Offices. The principal office of the Board of Nurse Examiners is located at 555 Business and Professions Building, 1020 N Street, Sacramento 14, California, and branch offices of the Board are located as follows:

(a) 515 Van Ness Avenue, San Francisco 2, California.

(b) 906 California State Building, Los Angeles 12, California.

NOTE. §§1400 to 1413, inclusive, issued under authority contained in Section 2715 of the Business and Professions Code. Source of §§1400 to 1413, inclusive, is the Rules and Regulations of the Board of Nurse Examiners.

1401. Tenses, Gender, and Number. For the purpose of the rules and regulations contained in this subchapter, the present tense includes the past and future tenses, and the future, the present; each gender includes the other two genders; and the singular includes the plural and the plural, the singular. *†

1402. Definitions. For the purpose of the rules and regulations contained in this subchapter, the term "Board" means the Board of Nurse Examiners; and the term "Code" means the Business and Professions Code. *†

1403. Delegation of Certain Functions. The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpenas and subpenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive secretary, or, in his absence from the office of the Board, the president of the Board. *†

1404. Filing of Addresses. Each person holding a certificate of registration, license or any other authority to practice nursing or engage in any activity under any and all laws administered by the Board shall file his proper and current mailing address with the Board at its office in Sacramento and shall immediately notify the Board at its said office of any and all changes of mailing address, giving both his old and his new address. *†

Article 2. Registration

1409. Issuance of License. A license as a registered nurse shall be issued only by examination except as provided in Section 2733 of the code.*†

*† For statutory and source citations, see note to §1400.

1410. Application. (a) An application for a license as a registered nurse by examination shall be submitted on an application form prescribed and provided by the Board, accompanied by such evidence, statements, or documents as therein required, and filed with the Board at its office in Sacramento at least three (3) weeks prior to the date fixed for the examination.

(b) An application for a license as a registered nurse without examination under the provisions of Section 2733 of the code shall be submitted on an application form prescribed and provided by the Board, accompanied by such evidence, statements, or documents as therein required, and filed with the Board at its office in Sacramento.*†

1411. Authority of Executive Secretary and General Requirements for Registration. (a) The executive secretary is authorized to approve applications for registration meeting the requirements of class work and clinical experience in effect under the Bureau of Registration of Nurses or the Board of Nurse Examiners, at the time they were pursued.

(b) The executive secretary is authorized to reject the application of any nurse who fails to meet the requirements of the Bureau of Registration of Nurses or the Board of Nurse Examiners prevalent at the time that nurse pursued her course. She shall refer to the Board such applications as she considers questionable and those applications which have been rejected and where the applicant has requested reconsideration.

(c) An applicant who satisfactorily completed a course in nursing in an accredited school of nursing prior to September 15, 1935, or who was enrolled in such a school prior to that date and completed a course without interruption, may be accepted with a minimum of twenty-eight (28) months of study if such applicant otherwise meets the requirements of the law and the requirements of the Bureau of Registration of Nurses in effect during the period such applicant was a student.

(d) An applicant who satisfactorily completed a course in nursing in an accredited school of nursing prior to May 1, 1933, and who meets all of the requirements of the law and the requirements of the Bureau of Registration of Nurses in effect during the time such applicant was a student, except that such applicant is not a high school graduate, must submit for the approval of the Board a report of the results of a psychological test, given by an approved organization, demonstrating, to the satisfaction of the Board, the applicant's educational qualifications.*†

1412. Failure in Two Examinations. An applicant who fails two (2) examinations shall be required to complete an additional four (4) months' course of study in nursing as designated by the Board before he will be eligible to take a third examination.*†

1413. Failure in Three Examinations. An applicant who fails three (3) examinations shall be required to complete an additional four (4) months' course of study in nursing as designated by the Board before he will be eligible to take a fourth examination.*† (§§1400 to 1413, inclusive, filed 10-21-46.)

*† For statutory and source citations, see note to §1400.

Article 5. Registration

33. Registration. An individual who holds a valid and unrevoked California C.P.A. certificate is not required to take any action to register such certificate with the Board. He must, however, pay the statutory annual fee for renewal of such certificate. The holder of a California C.P.A. certificate who served in the armed forces of the United Nations is not required to pay a renewal fee in respect of any calendar year in which he served in such armed forces.*†

34. After March 15, 1946, no person will be registered as a Public Accountant unless he is specially permitted to register thereafter by the provisions of Section 5082(b) and Section 5096 of the Business and Professions Code and is otherwise qualified.*†

Article 6. Renewals

39. Renewals. Every certificate and permit shall be renewed on or before December 31 of each year as required by the Accountancy Law (Sections 5000 to 5132, inclusive, Business and Professions Code). If not so renewed, it may be taken from the possession of the holder and his name shall be stricken from the rolls, unless, before the first day of April of the following year, an application is made to the Board for a renewal accompanied by the delinquent fee of $7.50. Application for restoration to the rolls will be considered by the Board if accompanied by payment of delinquent fees for all intervening years.*†

Article 7. Meetings

44. Meetings. The Board will meet as often as necessary to administer effectively the provisions of the said Accountancy Law. It will inform the public and the profession of its rules and decisions as fully as possible consistent with the nature of its duties. The Board rules will be amended within the framework of the said law whenever conditions indicate that such amendments are necessary in the best interests of the public and of the profession.*†

(§§ 1 to 44, inclusive, filed 4-5-46)

*† For statutory and source citations, see note to §1.

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS

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CHAPTER 2. CALIFORNIA STATE BOARD OF ARCHITECTURAL EXAMINERS
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CHAPTER 1. STATE BOARD OF ACCOUNTANCY

Printed December 5, 1946

Article
1. Office
2. Examination of Candidates for C.P.A. certificates
3. Reciprocity
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Article 1. Office

1. Office. The principal office of the Board is situated at 620 Market Street, San Francisco 4; a branch office is situated at 315 South Broadway, Los Angeles 13.

NOTE.—§§ 1-44, inclusive, issued under authority contained in Section 5015, Business and Professions Code. Source of §§ 1 to 44, inclusive, is the Rules and Regulations of the State Board of Accountancy.

Article 2. Examinations

6. Examinations. Examinations for the certificate of Certified Public Accountant (hereinafter referred to as C.P.A. certificate) will be held simultaneously in San Francisco and Los Angeles in May and November of each year. Applications for the May examination must be filed not later than April 1 and applications for the November examination not later than October 1. An application will not be considered to be

filed until all required supporting documents have been received. Candidates will be informed of the time and place of the examinations when notified of the acceptance of their applications.*†

7. Applications must be filed at the principal office in San Francisco on a form provided by the Board (obtainable at either office of the Board or from any Board member), and must be accompanied by a certified check or postal, express or bank money order for the statutory fee, payable to California State Board of Accountancy.*†

8. Each applicant must submit the names of at least three persons (one of whom must be a resident of California) who can vouch for the applicant's moral character. No person will be granted a C.P.A. certificate until the Board is satisfied by such inquiries as it deems appropriate to make that such person is of good moral character.*†

9. Each applicant must present evidence satisfactory to the Board that he meets the requirements set forth in Section 5091 of the Business and Professions Code. Satisfactory evidence as to educational qualifications will usually take the form of transcripts, or photostats thereof, of the applicant's high school and/or college record which should accompany the application. However, in unusual circumstances the Board will accept such other evidence as it deems appropriate and reasonably conclusive.*†

10. Every candidate for the C.P.A. certificate who is not a citizen of the United States by birth must present evidence of citizenship or of his declaration of intention to become a citizen. He may do this by presenting to any employee or member of the Board his certificate of citizenship or declaration of intention along with his application to take the examination. If distance or other circumstance imposes upon the candidate an unreasonable hardship in making such presentation in person, the Board will accept an affidavit from the clerk of the superior court of any California county stating that he has inspected such papers and setting forth all relevant facts including the candidate's name, the number and date of the certificate of citizenship or declaration of intent, the designation of court or other official body by which such certificate was issued, and whether the certificate is final, derivative, etc.*†

11. Candidates without the experience in public accounting required by the Accountancy Law (Sections 5000 to 5132, inclusive, Business and Professions Code) will be permitted to take the examination, but no certificate will be issued to a successful candidate until he has obtained the required experience. When a successful candidate believes he has obtained such required experience, he may address a letter to the Board at its principal office in San Francisco setting forth the grounds upon which he relies, the dates (as precise as possible) of the employment in which he obtained his experience, and such other information as he believes will aid the Board in reaching a decision. Any member of the Board will confer with any person concerning the adequacy of his experience before such person communicates with the Board, but it must be

*† For statutory and source citations, see note to §1.

101. Possession of Sliced Abalone During Closed Season.

Persons desiring to hold sliced abalone legally taken during the open season shall place same in a public cold storage warehouse; and a non-negotiable receipt shall be issued and delivered to the Fish and Game Commission. On opening of the season, the Fish and Game Commission shall release such sliced abalone to the person placing such sliced abalone in storage; and all storage charges are payable by the owner of such sliced abalone.

(Section 793, Fish and Game Code)

[Regulation of Fish and Game Commission, General Order No. 24, 1-22-44]

102. Abalone Packers Permit.

Pursuant to the provisions of Sections 1010 and 1061 of the Fish and Game Code, it is hereby ordered:

That no abalones be received for processing except under an abalone processor's permit.

The following are the Regulations under which permits are to be granted:

(a) No permittee shall receive, transport, sell or offer for sale any abalone out of the shell except which has been processed (sliced, pounded and packed) in a plant operating under a permit. The permittee shall clearly stamp on each processed package the number of his processor's permit and shall not sell, or offer for sale, processed abalone which is not so marked.

(b) A permit shall not be issued or delivered until all taxes due the State under the Fish and Game Code have been paid in full.

(c) No permit shall be issued until the permittee shows satisfactory evidence that his processing plant has conformed to the requirements of the County Board of Health as provided by the State and County Public Health Codes.

(d) Proper records of pounds and dozens of abalone received shall be kept.

(e) No abalones shall be received for processing except from the holder of a valid permit to dive for abalones commercially.

(f) A permit will be issued for each processing plant at the specified location shown on the permit and shall not be sold, transferred or otherwise assigned without the written approval of the Commission.

(g) This permit shall be revoked upon violation of any provisions contained herein and shall not be renewable for a period of one year from date of revocation. (Filed 9-5-47; effective 9-5-47.)

(Sections 802, 1010, 1061, 1074 and 1077, Fish and Game Code)

[Regulation of Fish and Game Commission, amended August 22, 1947, General Order No. 25]

110. Clams Imported from South of International Boundary between the United States and Mexico.

Persons bringing clams into the State from south of the international boundary between the United States and Mexico at any time shall comply with the following regulations:

(a) Upon arrival at port of entry such person shall report the arrival to the office of the Division of Fish and Game and file a duplicate copy of the U. S. Customs Service consumption entry covering such clams and shall furnish such additional evidence as may be necessary to show that such claims were taken from south of the international boundary.

(b) In accordance with the provisions of Section 805 of the Fish and Game Code all containers in which clam meat is shipped shall be marked at the point of origin with the following wording:

"IMPORTED FROM MEXICO"

I hereby certify that the clam meat contained herein was removed from shells of the minimum size limit of five inches prescribed by the laws of the State of California.

Name of Mexican Authority

Title

Date

The cost of such marking and certification shall be paid by the Importer.

(Section 805, Fish and Game Code)

(Regulation of Fish and Game Commission General Order No. 16 Amended 4-11-46.) (Filed 5-15-46; effective 5-15-46)

121. Lobsters, Spiny.

(a) Persons desiring to possess and sell legally taken spiny lobsters during the closed season must declare and have said lobsters inspected by the Division of Fish and Game prior to the closing of the season. They shall be identified with a distinguishing mark by punching a symbol through the tail of each spiny lobster, or by such other tag or distinguishing mark as the Commission may designate. The marking or punching is to be done under the immediate supervision of a designated warden of the Division of Fish and Game prior to the closing of the spiny lobster season.

(b) As provided in Section 786 of the Fish and Game Code all expenses shall be paid by the owner or person requiring such service. Application for the inspection and marking of such spiny lobsters must be made at the Division of Fish and Game office either at Terminal Island or San Diego. (Filed 9-5-47; effective 9-5-47.)

(Section 786, Fish and Game Code)

[Regulation, Fish and Game Commission, August 22, 1947]

131. Oysters and Oyster Reserves.

The following described areas are natural oyster beds of native oysters and are hereby set aside as oyster reserves for the cultivation of oyster seed:

(a) All natural oyster beds of native oysters in the waters of Humboldt Bay and in the sloughs or inlets tributary thereto.

(b) Oysters, oyster seed and oyster shell may be taken from oyster reserves only by order of the Division of Fish and Game.

(c) Oysters and oyster shell taken in San Francisco Bay or Tomales Bay may be replanted or replaced only in San Francisco Bay or Tomales Bay.

(d) All oysters, oyster seed and oyster shell shall be inspected by the Division of Fish and Game before being placed or planted, except that oysters, oyster seed and oyster shell may be replanted or replaced in the bay from which taken without inspection.

(Sections 816, 817, 818 and 819, Fish and Game Code)
[General Order No. 14 as amended 9-17-43]

132. Imported Crab Meat.

Fresh crab meat in metal or paper containers may be imported into the State regardless of season. Fresh crab meat in the shell or parts of the shell may not be imported during the closed seasons during which the taking of crabs are prohibited. All shipments of fresh crab meat must be accompanied by an invoice from the out-of-state seller.

(Section 790, Fish and Game Code. Filed 10-23-46.)
[Regulation of the Fish and Game Commission]

141. Sardine Canners, Reduction Plants and Packers of Other Sardine Products.

(a) Each sardine canner must furnish to the Division of Fish and Game from each can company supplying such canner or packer with cans, a copy of each invoice of cans as cans are shipped from the can company, which shall show the number and size of each lot of cans received, the date of shipment, and the number of the car in which shipped in case shipment is made by rail. The Division of Fish and Game shall also be forthwith furnished with a carbon copy of the can company's record of any adjustment for cans returned.

(b) Each sardine canner shall designate one of its employees to accompany and assist the employee of the Division of Fish and Game in taking an inventory of the empty cans on hand at the close of each calendar month. The inventories shall be made in duplicate, and each shall be signed by the two persons making the inventory, and one copy shall be retained by the canner and one by the Division of Fish and Game.

(c) If, after fish have been received as sardines at the plant, it is desired to use any of the sardines as fresh fish, or for bait, or for salting, or for any other purpose than canning or reduction, the canner or packer shall first notify the local representative of the Division of Fish and Game, who, with representative of the canning or packing company, shall determine the amount of the fish so diverted.

The same provisions shall apply in cases where fish are received as sardines, and it is desired to recover from the catch mackerel or other fish.

(d) No sardines shall be received at any canning, packing, preserving, reduction or other plant for canning, packing or reduction, which are spoiled or tainted or which do not meet with the standards established by the State Board of Health for canning purposes, nor shall any sardines be received for any purpose unless such sardines are fit for human consumption, provided, however, that any fish received in good condition and spoiled while in process shall be permitted to be reduced, but such fish so reduced must be included in and considered a portion of the 32½% provided for in Section 1066, Fish and Game Code.

(Section 1077, Fish and Game Code)
[General Order No. 11 as amended 11-24-37]

142. Fishermen and Fish Plants.

(a) In order to prevent waste of fish, no person shall take or bring in to any cannery, packing, preserving, reduction or other plant, fish in excess of an amount for which he has a bona fide order in writing, either

(h) Permits shall be issued upon the condition that a magnet of size adequate for the efficient recovery of tags is installed and operated continuously during the operation of the plant in a manner satisfactory to the Commission.

(i) All permits shall be subject to such additional conditions and restrictions as the Commission may elect to impose. A violation of any of the terms of these Rules and Regulations, or of the terms and conditions of the permit itself, or of the provisions of Division 4, Part 2, Chapter 5, Articles 2, 4 and 5 of the Fish and Game Code shall subject the same to immediate suspension at the option of the Commission, and no new or subsequent permit shall be issued to such permittee for a period of not to exceed 12 months.

(j) These Rules are subject to modification by the Commission at any time to conform to any decision of the courts of this State or to meet any conditions which in the opinion of the Commission warrant and justify modification of the same. (Filed 7-11-47; effective 7-11-47.)

(Section 1068, Fish and Game Code)

[Regulation of Fish and Game Commission 12-19-46]

156. Sardines, Limit of Catch for Reduction Purposes.

The Fish and Game Commission having made the findings required by Section 1068, Fish and Game Code, will grant permits to take and use sardines by a reduction process during the 1945-46 sardine season not to exceed 395,000 tons, such tonnage to be divided equally among those applicants for sardine reduction permits to whom such permits are granted.

(Section 1068, Fish and Game Code)

[Regulation of Fish and Game Commission, 6-8-45]

164. Shad and Shad Roe, Sale of.

Shad and shad roe to be held for sale between July 15 and March 14 shall be placed in a public cold storage warehouse at the close of the season, May 31; and a non-negotiable receipt shall be issued and delivered to the Fish and Game Commission. On or after July 15 said shad or shad roe shall be released to the owner by the Fish and Game Commission. All storage charges shall be paid by the owner. On release said shad roe may be sold between July 15 and March 14.

(Section 719, Fish and Game Code)

[Regulation of Fish and Game Commission, General Order No. 23. 1-22-44]

Article 3. Birds

250. Changes in Game Bird Laws.

The open season for the taking of any male pheasant shall be from November 21 to November 30, both dates inclusive. The bag limit of pheasant shall be two male birds per day and 10 per season. Not more than one daily bag limit of two male pheasants may be possessed during any one day by any one person. This order modifies Section 1201 and all

other sections of the Fish and Game Code and orders of the Commission inconsistent herewith. (See Shooting Hours on Upland Game.)

(b) Quail. The season for the taking of all variety of quail shall be from November 21 to December 31, both dates inclusive. The bag limit of quail in the aggregate of all species shall be eight per day, 16 per week. Not more than one daily bag limit of quail, in the aggregate of all species, may be possessed during any one day by any one person. This order modifies Section 1200 and all other sections of the Fish and Game Code and orders of the Commission inconsistent herewith. (See Shooting Hours on Upland Game.)

(Section 16.3, Fish and Game Code. Filed 7-15-47; Effective 7-15-47.)

[Regulation of the Fish and Game Commission]

251. Shooting Hours on Upland Game.

Shooting hours for all upland game, including but not limited to pheasant, quail, tree squirrel, cottontail, brush and jack rabbits shall be between 8.00 a.m. and one-half hour after sunset from November 21 to November 30, both dates inclusive; for the balance of the seasons the regular shooting hours for resident game shall be those specified in the Fish and Game Code, namely, one-half hour before sunrise to one-half hour after sunset. This order modifies Sections 1200, 1201, 1341, 1340.5, 1250 and all other sections of the Fish and Game Code and orders of the Commission inconsistent herewith.

(Section 16.3 Fish and Game Code. Filed 7-15-47; Effective 7-15-47)

[Regulation of the Fish and Game Commission]

260. Crows, Payment of Bounty.

(a) The bill and a portion of the head of each crow must be shipped to the Division of Fish and Game, Ferry Building, San Francisco. The eyes and brain must be removed from the head so that there will be no decayed animal matter.

(b) Notarized affidavit forms in duplicate must accompany each shipment. Forms may be obtained from the Division of Fish and Game, Ferry Building, San Francisco, or from the district offices in Sacramento, Redding, Fresno and Los Angeles.

(c) Crow heads must be shipped via prepaid express (Section 457 of the Fish and Game Code prohibits shipment of birds and mammals by parcel post.)

(d) Claims must be filed within 10 days after crows are killed.

(Section 29.1, Fish and Game Code)

[Regulation of Fish and Game Commission, 8-24-45]

264. Doves, Mourning; Season, Bag Limit, Shooting Hours.

(a) The open season for the taking of mourning doves for the season of 1947 in the State of California, shall be from September 1, 1947, to September 30, 1947, both dates inclusive, except in the County of Imperial where the season shall be from October 1, 1947, to October 31, 1947, both dates inclusive.

(b) The bag limit shall be 10 per day, and no person at any one time may possess more than 10 mourning doves.

(c) The shooting hours shall be from one-half hour before sunrise to sunset except on September 1, 1947, and October 1, 1947, when the shooting hours shall be from 12 noon to sunset.

(d) Doves on which an open season is specified may be taken during such season only with bow and arrow or with a shotgun not larger than 10-gauge fired from the shoulder, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

(e) The possession limits hereinbefore prescribed shall apply as well to mourning or turtle doves, and white-winged doves taken in Canada, Mexico, or other foreign country and brought into the United States, as to those taken in the United States.

(Section 39, Fish and Game Code. Filed 8-27-47; effective 8-27-47)

[Regulation of Fish and Game Commission]

270. Pheasants and Quail, Game Management Areas.

(a) Each Area must be open to any licensed hunter for shooting during the entire game management season upon payment of the fee as set forth in the application filed by the Licensee with the Division of Fish and Game, provided that the maximum legal number of birds have not been killed on said Area.

(b) Each proposed Area will be inspected by a representative of the Bureau of Game Farms and the local Warden before a license may be granted.

(c) No application shall be granted for a Permit to Operate a Game Management Area if such proposed Area adjoins any State or Federal park, monument, wilderness or primitive area, refuge or preserve.

(d) The Licensee shall plant pheasants or quail, or both, in an amount equal to 142.86% of the number of birds to be shot on the licensed Area.

(e) Birds must be released at least 72 hours before any shooting is permitted on a licensed Area.

(f) Birds at time of release shall be at least 12 weeks old, full-winged, and otherwise in a condition to go wild.

(g) All birds that are to be liberated on an Area must be inspected, before liberation, by a representative of the Division of Fish and Game, and birds which are rejected can not be released.

(h) All birds liberated on the Area must be banded by a representative of the Division of Fish and Game, before liberation, with serially numbered leg bands supplied by the Division of Fish and Game.

(i) In the case of these licensed Areas, "Domestically Reared Species" shall be construed to mean those species of pheasant or quail on which there is a legal open season in this State.

(j) The right to take any specific species on an Area will automatically cease when 70% of that species which have been released by the Licensee has been taken. (8-24-45)

(k) Not more than 70% of the birds of any one species liberated on an Area may be shot. (8-24-45)

(*l*) The Licensee shall notify the Division of Fish and Game immediately when 70% of any species of game birds has been taken on his Area. (8-24-45)

(m) All birds that have been liberated on an Area during any one season shall become the property of the State at the close of the season and shall not be taken into consideration when calculating the number of birds to be shot during following seasons.

(n) Trained bird dogs must be used on all Areas for the purpose of retrieving birds. At least one trained retrieving bird dog must be used with each group of hunters within licensed Areas.

(o) The Licensee, as a condition to shooting over his Area, may require a hunter, or group of hunters, to supply the bird dog required in Subdivision (n).

(p) The maximum fee that may be charged shall not exceed the maximum fee as set forth in Section 55 of the Fish and Game Code, and as set forth in the application filed with the Division and approved by the Commission. The operator of an Area shall not require the hiring of a guide unless the services of such guide are requested by the hunter upon the area. (8-24-45)

(q) The Licensee shall require that every hunter upon his Area have a valid State hunting license in his possession while hunting.

(r) Any person who hunts or bears arms on an Area who does not have in his possession a valid permit shall be deemed guilty of trespass.

(s) Licensees shall render monthly reports to the Division of Fish and Game, Ferry Building, San Francisco, on forms prepared and supplied by the Division, and an annual report at the conclusion of the shooting season for each Area, which report shall contain the following information: number of hunters; total kill by species and sexes; and such other information as may be required. The data from which these reports are compiled shall be kept on the licensed premises and shall, at all times, be available to authorized representatives of the Division for inspection. Such reports shall be filed not later than the tenth of the month following the period to which they pertain. A full record of cripples and lost birds shall be kept by each Licensee, including cripples ultimately taken, which latter will be counted as taken birds.

(t) Seals (as required in Section 56, Fish and Game Code) shall be affixed by the Licensee to all birds taken on his Area, before any bird may be removed from that Area, and shall be of the same type as those now furnished to domestic game breeders. Seals must not be given to hunters.

(u) Seals (as required in Section 56, Fish and Game Code) shall be obtained, by the Licensee, from the Division, prior to the taking of any birds on the Area; but, the quantity obtained shall not exceed 70% of

the number of game birds that may be released, on said Area, during any one season (see Section 54, Fish and Game Code). (8-24-45)

(v) Anyone leasing hunting privileges is bound by the provisions of Chapter 5, Division 1, Fish and Game Code, and the Rules and Regulations of the Commission applicable to the Licensee.

(w) The Commission may authorize the capture of wild game birds for propagation purposes only when the Commission is convinced that no game birds can be secured from licensed domestic game breeders.

(x) The Commission shall require proper care and sanitary conditions on the licensed premises or any premises where game birds are reared for release to prevent the spread of disease. Routine inspection of all such premises shall be made by the Division.

(y) Every operator must maintain five acres of year-round cover, approved by the Division, of each 100 acres included in the license, in which cover-area adequate foods shall be planted and protection provided against predators.

(z) No application shall be granted for a Permit to Operate a Game Management Area if such Area adjoins any State or Federal park, monument, wilderness or primitive area, refuge or reserve. (3-19-42)

(a-1) The shooting season on all licensed Game Management Areas shall be from November 1, 1946 to January 15, 1947, both dates inclusive. (6-27-46) (Filed 7-15-46)

(Sections 50 to 59.5, Fish and Game Code)

[Rules and Regulations of Fish and Game Commission]

300. Pigeons, Band-tailed; Season, Bag Limit and Shooting Hours.

(a) The open season for the taking of band-tailed pigeons shall be from December 1, 1947, to December 31, 1947, both dates inclusive.

(b) The bag limit shall be 10 per day and no person at any one time may possess more than 10 band-tailed pigeons.

(c) The shooting hours shall be from one-half hour before sunrise to sunset.

(d) Band-tailed pigeons on which an open season is specified may be taken during such season only with bow and arrow or with a shotgun not larger than 10-gauge fired from the shoulder, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

(e) The possession limits hereinbefore prescribed shall apply as well to band-tailed pigeons taken in Canada, Mexico, or other foreign country and brought into the United States, as to those taken in the United States.

(Section 39, Fish and Game Code. Filed 8-27-47; effective 8-27-47)

[Rules and Regulations of Fish and Game Commission]

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806. For filing any application for a permit to issue securities evidencing any change in the rights, preferences, privileges or restrictions on outstanding securities, $25.*† (Filed April 1, 1947)

807. For any examination of advertising, the actual amount of the salary or other compensation paid to the person or persons making the examination plus the actual amount of expenses, reasonably incurred in the performance of such work. An advance of estimated cost of examination of advertising relating to securities for which no permit from the Commissioner is outstanding, by the broker filing said advertising with the Commissioner, in the amount of $10 may be required, plus any further advance deemed necessary to cover said cost of examination.*†

808. Before an application is filed and regarded as before the Division for action, the statutory fee must be paid thereon. All moneys received by the Division, as provided by law, are deposited pursuant to law and the current instructions of the Department of Finance.*†

Effective July 1, 1943.

*† For statutory and source citations, see note to §300.

654. An advertisement of investment trust securities shall include the following information:

(a) Statement of the amount of the load, in relation to the actual market value of the underlying securities;

(b) Statement of determination of offering price;

(c) Statement of periodic charges;

(d) Provisions in regard to eliminations and substitutions;

(e) Method of making distributions;

(f) Voting rights;

(g) A description of the reserve fund (if any) and the purposes thereof.*†

655. Any statement or computation in advertising of an investment trust purporting to show past performance of securities comprising the portfolio shall be confined to a period commencing at the creation of the trust and proceed without interruption down to the date of issuance of the advertising.*† Effective September 12, 1941.

Article 25. Horse Race Tracks

660. An application filed by any company for a permit to authorize the issuance of securities for the purpose of the construction, operation, acquisition, reorganization, or financing in any other way a race track, shall be filed in duplicate as provided in Article 1 of these rules.*†

661. Such application shall contain a copy of the formal application for a license from the California Horse Racing Board, as required by resolution adopted by said Board December 9, 1940.*†

662. The duplicate copy of an application, as referred to in Section 660 of this Article, will be transmitted to said Board by the Commissioner of Corporations.*†

663. The Commissioner of Corporations will look with disfavor upon an application for authority to sell securities for the purpose of financing a new race track unless the applicant shall have applied for and received from the California Horse Racing Board a certificate of determination that the establishment of a track by the applicant would be in the public interest.*† (Filed 4-1-47)

664. The Commissioner of Corporations will consider with disfavor an application for authority to finance a race track through the sale of preference shares, notes, bonds or debentures, whether secured or unsecured.*† (Filed 4-1-47)

665. While preorganization subscriptions are permitted to be taken under terms of Section 33 of the Corporate Securities Act prior to applying for and obtaining a permit from the Commissioner of Corporations, notice is hereby given that in the interest of general public welfare and in accordance with the resolution of the California Horse Racing Board dated December 9, 1940, any company proceeding under this Section 33 of the Corporate Securities Act does so at its own risk.*†
Effective July 1, 1941.

*† For statutory and source citations, see note to § 300.

Article 26. Brokers (Including Dealers)

670. An application for a broker's certificate shall be filed on forms provided by the Commissioner and shall be accompanied by the statutory filing fee as follows:

(a) Application for broker's certificate $25 00

(b) Change of interest in a brokerage partnership affecting less than 25 per cent of the whole interest therein 10 00 *†

671. No corporation, either domestic or foreign, will be granted a certificate to act as a broker until and unless it shall file with the Commissioner a letter, together with a certified copy of a resolution of its board of directors authorizing the signing and delivery of such letter, substantially in the following form:

"Date.....

To the Commissioner of Corporations of the State of California:

In the event of the issuance of a broker's certificate to....., said corporation hereby agrees that in the event of a change of any of its officers or managers in the State of California, or any of its directors, chairman of the board, or secretary, a statement or memorandum of said change will, immediately thereafter, be forwarded to the Commissioner of Corporations of the State of California, setting forth the change made and the names of the persons involved therein, and shall contain a statement of the qualifications of such successor. In the event of said change, if said statement or memorandum is not forwarded by said corporation to the Commissioner of Corporations of the State of California, this letter shall constitute and be the irrevocable consent of said corporation to the revocation by said Commissioner of any broker's certificate hereafter issued to said corporation.

Name of Corporation.....
By.....
President
(Corporate Seal)
By.....
Secretary" *†

672. A broker shall not engage in the business of selling securities on the installment plan until all the forms of contracts and plans under which such business is proposed to be conducted shall have been submitted to and approved in writing by the Commissioner.*†

673. Satisfactory evidence of financial responsibility of an applicant for a broker's certificate shall be filed. Financial reports submitted as confidential should be so designated in writing thereon. Financial reports shall comply with the provisions of Article 10 of these rules. Additional information may be requested by the Commissioner.*†

674. A statutory bond satisfactory to the Commissioner for $5,000 as provided in Section 6 of the Corporate Securities Act shall be filed by an applicant for a broker's certificate. Forms of such bond may be obtained from the Commissioner.*†

*† For statutory and source citations, see note to §300.

672. An "installment purchase contract" as referred to in Section 8 of the Corporate Securities Act shall be deemed to be any contract for the purchase of a security used by a broker in which the purchaser agrees to pay for the securities in designated periodical installments on specified dates.

History: 1. Originally published 3-22-45 (Title 10).
2. Repealer filed 1-20-48 (Register 11, No. 3).
3. New section filed 1-20-48 (Register 11, No. 3).

672.1. A "margin" contract, "when issued" contract or "when distributed" contract, as generally known in brokerage practice or securities business, or any contract involving the purchase or sale of securities used by a broker, shall not be deemed to be an "installment purchase contract" within the meaning of Section 8 of the Corporate Securities Act merely because such contract involves a deposit or down payment and an implied or express agreement for the payment of the balance or any part thereof upon demand by the broker when the security purchased for or sold to the customer becomes ready for delivery (or "regular") or when the deposit or down payment of the customer, in the judgment of the broker, becomes impaired or insufficient.

History: 1. New sections 672.1, 672.2, 672.3, and 672.4 filed 1-20-48 (Register 11, No. 3).

672.2. An "installment purchase contract" as defined in Section 672 hereof shall be submitted to and approved by the Commissioner in accordance with the provisions of said Section 8.

672.3. Any contract as defined in Section 672.1 hereof need not be submitted to or approved by the Commissioner.

672.4. Section 672 through Section 672.4 of these regulations are promulgated to set forth the uniform practice of the Commissioner and constitute the Commissioner's administrative interpretation of Section 8 of the Corporate Securities Act.

673. Satisfactory evidence of financial responsibility of an applicant for a broker's certificate shall be filed. Financial reports submitted as confidential should be so designated in writing thereon. Financial reports shall comply with the provisions of Article 10 of these rules. Additional information may be requested by the Commissioner.

674. A statutory bond satisfactory to the Commissioner for $5,000 as provided in Section 6 of the Corporate Securities Act shall be filed by an applicant for a broker's certificate. Forms of such bond may be obtained from the Commissioner.

Printed March 22, 1945

SUBCHAPTER 2. CORPORATE SECURITIES

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1. General Provisions
2. Applications for Permits
3. Applications for Permits—Financial Information
4. Sale Price of Securities
5. Selling Expense on the Sale of Securities
6. Registrar and Transfer Agent
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8. Impounding Proceeds from Securities Sales
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15. Oil Drilling Companies

Article
16. Oil Royalty Companies
17. Mining Companies
18. Common Law Trusts
19. Investment Trust Corporations and Related Companies
20. Abandonment
21. Limited Partnerships
22. Investment Certificate Companies
23. Finance, Mortgage and Similar Companies
24. Advertising
25. Horse Race Tracks
26. Brokers (Including Dealers)
27. Royalty Transactions by Brokers (Including Dealers)
28. Agents
29. Investment Counsels
30. Accusations
31. Hearings
32. Reorganizations and Reclassifications
33. Schedule of Fees

These rules and regulations are promulgated under authority vested in the Commissioner of Corporations by the Legislature of the State of California and/or in accordance with the general practice of regulatory commissions to assist the public in cooperating in the administration of the various acts that the Commissioner is charged with enforcing.

Most enterprises of each class are somewhat similar. Obviously it is impossible to foresee every new problem. Therefore, these rules are designed to be applied in a majority of matters of the same general character. However, each matter must be analyzed separately and a determination reached based on the merits of the particular matter, considering every factor involved.

The right to alter or amend these rules is reserved by the Commissioner. Prior to the promulgation of changes in the rules public hearings will be held by the Commissioner to afford persons interested an opportunity to make representations to the Commissioner in favor of or in opposition to the proposed changes. Notice of such hearings will be posted on the bulletin boards at the offices of the Division of Corporations in San Francisco, Los Angeles and Sacramento at least fifteen (15) days prior to the first day set for such hearings. Changes in said rules shall not become effective until thirty (30) days after the filing thereof with the Secretary of State of the State of California in accordance with the provisions of Chapter 1334 of the Statutes of 1945. Copies of said rules, modifications, additions or deletions may be obtained at the offices of the Supervisor of Documents of the State of California.

Article 1. General Provisions

300. Offices of the Division of Corporations are located as follows:

Main Office
Sacramento
State Office Building
Tenth and M Streets

Branch Office
San Francisco
State Office Building
Larkin and McAllister Streets

Branch Office
Los Angeles
State Office Building
First and Spring Streets

NOTE—§§300 to 808, inclusive, issued under authority contained in Corporate Securities Act, Chapter 532, Statutes of 1917, Section 5, Deering's General Laws, Act 3814. The source of §§300 to 808, inclusive, is the Rules and Regulations of the Commissioner of Corporations.

301. (a) A petition of a company or an individual resident of, or having the principal place of business or the attorney located in the following counties, shall be filed in the Sacramento office:

Alpine	Lassen	Plumas	Sutter
Amador	Mariposa	Sacramento	Tehama
Butte	Merced	San Joaquin	Trinity
Calaveras	Modoc	Shasta	*Tulare
Colusa	Mono	Sierra	Tuolumne
El Dorado	Nevada	Siskiyou	Yolo
Glenn	Placer	*Stanislaus	Yuba

(b) A petition of a company or an individual resident of, or having the principal place of business or the attorney located in the following counties, shall be filed in the San Francisco office:

Alameda	Kings	Monterey	Santa Clara
Contra Costa	Lake	*Napa	Santa Cruz
Del Norte	Madera	San Benito	*Solano
Humboldt	Marin	San Francisco	Sonoma
*Fresno	Mendocino	San Mateo	

(c) A petition of a company or an individual resident of, or having the principal place of business or the attorney located in the following counties, shall be filed in the Los Angeles office:

Kern	Los Angeles	San Bernardino	Santa Barbara
Imperial	Orange	San Diego	Ventura
Inyo	Riverside	*San Luis Obispo	*†

302. An application for the issuance and sale of securities shall be made by the company whose securities it is proposed to sell and issue. A petition for a license to act as broker, agent or investment counsel shall be made by the applicant. Such application shall be filed by said company or by duly authorized agent thereof.*†

303. All petitions, including applications, shall be verified in accordance with the provisions of Section 446 of the Code of Civil Procedure.*†

* A petition may be filed in any office most convenient to applicant.
*† For statutory and source citations, see note to §300.

TITLE 9. Institutions

CHAPTER 1. DEPARTMENT OF MENTAL HYGIENE

Printed July 21, 1947

SUBCHAPTER 1. GENERAL PROVISIONS
SUBCHAPTER 2. LICENSING AND CONDUCT OF PRIVATE INSTITUTIONS

SUBCHAPTER 1. GENERAL PROVISIONS

(No regulations under this chapter at present)

SUBCHAPTER 2. LICENSING AND CONDUCT OF PRIVATE INSTITUTIONS

Article
1. Reference to Law
2. Definition
3. Fire Prevention
4. Availability of Rules and Regulations
5. Licenses
6. Plans
7. Building Restrictions
8. Communications
9. Physical Plant
10. Food Sanitation
11. Accommodation for Patients
12. Facilities and Equipment for Care
13. Personnel
14. Admission of Drug Addicts
15. Care of Patients
16. Medical Care
17. Records
18. Restraint
19. Reports
Additional Rules for Homes and Schools for the Mentally Deficient
20. Classification and Segregation
21. Education and Recreation
22. Vocational Training

Article 1. Reference to Law

101. Reference to Law. The licensing, inspecting, and conduct of private institutions for the care of any insane, alleged insane, mentally ill, or other incompetent person (including the mentally deficient, alcoholics, drug addicts and epileptics) shall be governed as provided by Sections 5699 to 5753 and 7500 to 7507, inclusive, of the Welfare and Institutions Code, and by the following rules and regulations.

NOTE.—§§ 101 to 220, inclusive, issued under authority contained in Section 7503 of the Welfare and Institutions Code. The source of §§ 101 to 220, inclusive, is the Rules and Regulations of the Department of Mental Hygiene.

Article 2. Definition

102. Definition. An "establishment" or "institution" is defined as every hospital, sanitarium, home, school, or other place receiving or caring for any insane, alleged insane, mentally ill, mentally deficient, alcoholic, epileptic or other incompetent person referred to in Division 6 of the Welfare and Institutions Code.

Article 3. Fire Prevention

104. Fire Prevention. All establishments shall conform to the rules and regulations adopted by the State Fire Marshal establishing minimum standards for the prevention of fire and for the protection of life and property against fire and panic.

Article 4. Availability of Rules and Regulations

107. Availability of Rules and Regulations. These rules and regulations shall be made available to each employee of the establishment and the personnel shall be acquainted with its provisions.

Article 5. License

109. License. Application forms for license will be sent on request. The license shall be conspicuously posted on the premises in the front office where the patients are admitted. No establishment shall admit more persons than its licensed capacity allows. The license is not transferrable. The State Department of Mental Hygiene shall be notified of any change in ownership, name, or location of the establishment and a new application shall be submitted.

Article 6. Plans

111. Plans. When construction is contemplated either for new buildings, additions to existing buildings, or material alterations to existing buildings, the preliminary plan shall be submitted in quadruplicate to the State Department of Mental Hygiene for approval. (These plans are forwarded to the State Fire Marshal's Office for further approval.)

For "homes" proposed for a capacity of six or less (except institutions for alcoholics), a pencil sketch of floor plan, dimensions, type of construction, etc., may be submitted in lieu of blueprints.

Article 7. Building Restrictions

114. Building Restrictions. Before embarking upon new construction, additions to existing buildings, or material alterations to existing buildings, it is recommended that the management ascertain that the minimum local requirements regarding sanitation, zoning, fire protection, materials, safety, lighting, ventilation, and general arrangements of the building are met and that approval is obtained from the local health, building, and zoning departments for the contemplated construction. All proposed new construction or alterations shall meet the standards of the 1946 Uniform Building Code of the Pacific Coast Building Officials Conference.

Article 8. Communication

117. Communication. There shall be a telephone in the building and additional telephones or extensions as required to summon help promptly in case of fire or other emergency.

Article 9. Physical Plant

120. Physical Plant. (a) **Construction.** (1) Walls and floors shall be of a character to permit either frequent washing, cleaning or painting.

(2) The construction of the building shall be such as to prevent the entrance and harborage of rats and other rodents.

(3) The building shall be kept in good repair, clean and sanitary at all times.

(4) Construction shall provide for the safety and protection of patients and personnel.

New Construction.

(1) Any nursing, convalescent or rest home not in existence on January 1, 1947, shall be required to provide a one-hour fire resistive building if one story in height, or Type I if multi-storied.

(2) **Ceilings.** Minimum height of ceilings shall be eight (8) feet.

(b) **Heating.** Heating plant shall be adequate to maintain a comfortable temperature for patients and personnel in the institution at all times.

(c) **Sanitation.** (1) **Water Supply.** The water supply shall be of safe, sanitary quality, suitable for use, and shall be obtained from a water supply system, the location, construction, and operation of which comply with the standards approved by the local health department and the State Department of Public Health. The water shall be distributed to adequate and conveniently located taps in the building. Adequate hot water (minimum temperature of 110° F.) shall be available.

(2) **Sewage Disposal.** Sewage shall be discharged into a public sewerage system where such a system is available; or the sewage shall be collected, treated and disposed of in an independent sewerage system; either shall have the approval of the local health department or the State Department of Public Health.

(3) **Plumbing.** Toilet facilities shall be provided in reasonable ratio according to the number, type and sex of patients cared for, and personnel of the institution.

The plumbing and drainage or other arrangements for the disposal of excreta and infectious discharges and institutional wastes, shall be in accordance with Sections 17456 to 17466, inclusive, of the Health and Safety Code.

Cross connections in plumbing, between safe and potentially unsafe water supplies are prohibited. This refers particularly to toilets, instrument sterilizers, autoclaves, laundry fixtures, boiler rooms, bed-pan washers, hoppers, or other fixtures of similar nature. Water shall be delivered to any fixture, equipment, or service above the rim, or points of overflow. All submerged intakes to plumbing fixtures are prohibited unless they are satisfactorily protected against back siphonage.

(4) **Garbage Disposal.** All garbage shall be stored and disposed of in a manner that will not permit the transmission of a contagious disease, create a nuisance, or provide a breeding place for flies. All containers for garbage shall be water-tight, have tight fitting covers, and be rodent proof. Refrigeration of garbage is desirable.

(5) **Screens.** Adequate screens of 16 meshes per inch to protect against flies and other insects shall be provided on doors and windows where necessary. No doors shall be in conflict with fire and panic laws.

(d) **Lighting.** (1) **Adequacy.** Each patient's room shall be an outside room with a satisfactory amount of unobstructed natural light. The minimum window area shall be not less than one-eighth of the superficial floor area. More window area is highly desirable.

Every room, including storerooms and attic, shall have sufficient artificial lighting facilities so that all parts shall be clearly visible under such artificial lighting.

All hallways, stairways, inclines, ramps, and entrances shall be well lighted.

Lighting fixtures shall be selected and located with a view to the comfort and safety of patients and personnel.

(2) **Emergency Lighting.** Emergency lighting facilities shall be provided and distributed so as to be readily available to personnel on duty. Flashlights or battery operated lamps shall be in readiness at all times for use. At no time shall open flame type of light be used.

(e) **Ventilation.** Buildings shall at all times be adequately ventilated. Kitchens, bathrooms, and service rooms shall be so located and ventilated by windows or mechanical means as to prevent offensive odors from entering patients' rooms and the public halls.

(f) **Elevators and Stairways.** (1) **Elevators.** Elevators and machinery shall be so constructed and maintained as to comply with the regulations of the Division of Industrial Safety, California Department of Industrial Relations.

(2) **Stairways.** All stairways shall be provided with handrails. All open stairwells shall be protected with guardrails. Non-slip treads are recommended for existing stairways. New construction shall include installation of non-slip treads on all stairways.

(g) **Laundry.** The institution shall make provisions for the proper cleansing of linen and other washable goods.

If the institution maintains and operates its own laundry, safety guards for laundry machinery shall be provided in accordance with the requirements of the Division of Industrial Safety, California Department of Industrial Relations.

(h) **Incineration.** Adequate incineration facilities shall be provided for the disposal of infected dressings, surgical and obstetrical wastes, and other similar materials; if incomplete combustion occurs facilities shall be provided for auxiliary firing of incinerator.

Article 10. Food Sanitation

130. Food Sanitation. (a) **Facilities for Preparation and Serving of Food.** There shall be adequate facilities for the proper preparation and serving of food for both patients and personnel.

(b) **Food Storage.** (1) **Storerooms.** Adequate storerooms shall be clean and well ventilated. All food shall be so stored as to be protected from dust, flies, rodents, vermin, unnecessary handling, droplet infection, overhead leakage, or other source of contamination. Poisons or drugs shall not be stored or kept with food or in such a manner that they might be mistaken for food.

(2) **Refrigeration.** All perishable food shall be adequately refrigerated. There shall be a reliable thermometer in each refrigerator at all times and in storerooms used for perishable food.

(c) **Cleansing and Disinfection of Dishes.** All multi-use utensils used for eating, drinking, and in the preparation or serving of food and drink shall be effectively cleaned and disinfected after each usage. Gross food particles should be removed by careful scraping and pre-rinsing in running water. Brushes, baskets and sprays are suggested. The dishes shall be thoroughly washed in hot water (minimum temperature of 100° F.) using an adequate amount of effective soap or detergent. Following this, the utensils shall be rinsed in hot water to remove soap, and disinfected by one of the following methods, or the equivalent, as approved by the State Department of Public Health or your local health department.

(1) Immersion for at least two minutes in clean water at 170° F.

(2) Immersion for at least one-half minute in boiling water.

Steam or hot water cabinets can be made effective with steam jets. Results obtained with dishwashing machines shall be equal to those obtained by the methods outlined above.

After disinfection, the utensils shall be allowed to drain and dry in racks or baskets on nonabsorbent surfaces. Drying cloths are not recommended. Dishes shall be stored in closed cupboards.

(d) **Ice.** All ice used in contact with food or drink shall be from a satisfactory source, and handled and dispensed in a sanitary manner.

(e) **Milk Supply.** There shall be a safe milk supply. Pasteurized Grade A milk shall be provided if available.

(f) **Hand-washing Facilities for Food Handlers.** There shall be adequate hand-washing facilities, with soap, running water, and an ade-

quate supply of individual towels, in all kitchens, including diet kitchens, and in wash-rooms used by food handlers. Use of a common towel is prohibited.

Article 11. Accommodations for Patients

140. Accommodations for Patients. (a) **Rooms.** (1) **Location.** Each patient's room shall have an outside exposure. Rooms extending below ground level shall not be used for patients unless they are dry, well-ventilated, have the required window space, and otherwise suitable for occupancy.

In new construction no patient's room shall be allowed below ground level.

(2) **Floor Area.** Rooms shall be of sufficient size to allow not less than 60 square feet of superficial floor space per bed, with at least three feet between beds.

(3) **Isolation Room.** There shall be made available a room or rooms which shall be used for isolation of a patient or patients with communicable disease and for seriously ill or terminal cases.

(4) **Day Space.** Adequate day space shall be provided.

(b) **Furnishings.** (1) **Bed.** A good bed, mattress, and a pillow of standard size shall be provided for each patient. After discharge of any patient the bed and bed furnishings, bedside furniture and equipment shall be thoroughly cleansed.

(2) **Bedding.** A sufficient supply of clean bedding and bed linen shall be kept on hand for use at all times.

(3) **Storage Space.** There shall be satisfactory storage space for clothing, toilet articles, and other personal belongings of patients.

(4) **Signals.** Means for signaling attendants shall be provided at the bedside of patients confined to bed. Hand bells are acceptable for use in small institutions.

Article 12. Facilities and Equipment for Care

150. Facilities and Equipment for Care. (a) **Space Requirement.** There shall be adequate space and facilities for the proper cleansing and storage of nursing supplies and equipment. Suitable provision shall be made for the preparation of medications and treatments.

Utility rooms shall have adequate lighting and ventilation. They shall be conveniently located for efficient conduct of work.

A bedpan hopper shall be provided in each utility room and/or bedpan cleansing room. The bathtub, lavatory or laundry tray shall not be used for cleaning of bedpans.

(b) **Equipment for Bedside Care.** There shall be sufficient equipment for nursing care according to the type of patients accepted by the institution.

(1) **Linen.** Individual towels, wash cloths, and bath blankets (if indicated) shall be provided for each patient.

Bedpan covers shall not be used interchangeably.

(2) **Utensils.** There shall be a sufficient number of wash basins, mouthwash cups, and bedpans, plainly marked, for the use of each individual patient, provided that where utensils are sterilized after each using they need not be kept individual. Approved methods of sterilizing such equipment shall be by one of the following methods:

(A) Submersion in boiling water for a minimum of 15 minutes.

(B) Autoclaving (15 lbs. pressure 250° F. for 20 to 30 minutes).

(C) Live steam sterilization for a minimum of five minutes.

(3) **Thermometers.** There shall be a sufficient number of thermometers to permit adequate disinfection before using.

(4) **Hot Water Bags.** Hot water bags shall be covered before placing in beds. If electric heating pads are used they shall be maintained in good repair. (It is recommended that hot water bags, if used, should be checked to see that the water is not too hot and that the bags are not leaking.)

(5) **First Aid.** Equipment and supplies for first aid shall be readily available at all times.

(c) **Storage of Medicines.** (1) All medicines, poisons, stimulants and other drugs or biologicals shall be plainly labeled and stored in a specially designated and well illuminated medicine cabinet, closet, refrigerator, or storeroom and made accessible only to responsible personnel.

(2) There shall be separate plainly labeled compartments in the medicine cabinet for the storage of:

(A) Poisons.

(B) Medications for internal use.

(C) Medications for external use only.

(3) Narcotics shall be stored and dispensed subject to State and Federal Narcotic Regulations.

(4) Drugs individually prescribed and medicines for patients who have left the institution shall be discarded.

(d) **Sterilization of Supplies.** (1) **Sterilizing Equipment.** There shall be provision for the proper sterilization of dressings, utensils, instruments and solutions, if such are used in the institution.

(2) **Check of Sterilizer Performance.** The hospital shall adopt a method of checking sterilizer performance approved by the Department.

(3) **Storage of Supplies.** A cabinet, cupboard, or other suitable enclosed space shall be provided for keeping sterile equipment and supplies in a clean, convenient and orderly manner. Special precautions shall be taken so that sterile supplies may not be mixed with unsterile supplies.

(e) **Hand-washing Facilities. Adequacy.** Hand-washing facilities shall be provided in examining and treatment rooms; in main and diet kitchens; in utility and other service rooms; in toilet rooms; and in rooms used for isolation patients. Lavatories in patients' rooms are desirable.

Article 13. Personnel

160. Personnel. (a) **Medical Attendance.** (1) All persons admitted to any institution covered by these standards shall be under the care of a person duly licensed to practice the healing arts in California. The name, address and telephone number of the physician or physicians attending each patient shall be recorded for ready reference.

(2) All institutions covered by these standards shall arrange for one or more duly licensed practitioners of the healing arts to be called in emergency.

(3) No medication or treatment shall be given in institutions covered by these standards except on the written order of one lawfully authorized to give such order.

(b) **Nursing Services.** (1) Institutions with a population of fifty or more shall have a graduate nurse in residence.

(2) In institutions under 50 population, a trained nurse shall be provided for patients requiring professional nursing care, as determined by the attending physician or other responsible and qualified authority, regardless of the number of patients in the institution.

(3) Sufficient qualified personnel shall be employed to provide adequate care for all patients, both day and night.

Article 14. Admission of Drug Addicts

170. Admission of Drug Addicts. Institutions licensed by this department that desire to admit patients for the care and treatment of drug addiction must first obtain formal approval of the State Board of Medical Examiners. See Division 10, Chapter 4, Article 2, Health and Safety Code.

Article 15. Care of Patients

175. Care of Patients. (a) Each patient shall daily be given such proper personal attention and care, including personal hygiene, as is ordered or indicated.

(b) For patients isolated for communicable disease there shall be used an approved contagious disease technique.

(c) A nourishing and well-balanced diet shall be provided. Butter shall be served at least twice a day. A plentiful supply of green vegetables and fruit in addition to meat shall be furnished. Information and bulletins on diets will be furnished by the department on request.

(d) Baths in warm water shall be provided at least twice a week and no two persons may be bathed in the same water. Bed patients shall be cleansed at least once a day.

(e) Showers and foot tubs are recommended as exceedingly desirable.

(f) Individual toilet articles—brush and comb, tooth brush, soap, wash cloth and towel—shall be supplied each person and kept in a separate receptacle. Wash cloths and towels shall be replaced at least twice a week.

(g) The clothing of persons cared for shall be clean, neat and seasonable and of a design and quality to develop and sustain self-respect. No clothing shall be used in common. Each individual shall have his own supply and a sufficient number to change at least twice a week.

(h) Each person shall have a well-ventilated locker with adequate space for his possessions.

Article 16. Medical Care

185. Medical Care. Records of the reception and care of patients in private institutions shall be kept with details as to all incidents, restraint, physical and mental treatment. These records shall be open to inspection by the department or any authorized agent.

(b) All new cases admitted shall be isolated from other patients until a complete medical examination, including laboratory tests, has been made.

(c) **Communicable and Contagious Diseases.** All new cases admitted to homes or schools for the mentally deficient shall be immunized against smallpox and diphtheria or, in lieu thereof, proper medical certificates may be accepted.

No person suffering from tuberculosis or any other communicable disease shall be admitted to any institution. Should such disease develop subsequent to admission, patient shall be immediately removed to an appropriate institution for adequate isolation.

Approved contagious disease technique shall be used when patients are isolated for communicable diseases, and all laws of local and State Public Health authorities complied with.

(d) All persons cared for shall be weighed at least once each month and the record thereof maintained on the patient's physical history chart.

(e) Dental examinations shall be made at regular intervals and corrective work done promptly. Tooth brushes and dentifrices shall be provided and their use enforced at least twice a day.

(f) Every patient whose physical and mental condition permits shall be out of doors in suitable weather for a reasonable period daily.

(g) Food handlers shall be frequently examined for infections, communicable diseases, etc.

Article 17. Records

195. Records. All records shall be permanent, either typewritten or legibly written with pen and ink. Records for adults shall be kept for seven years following the date of discharge. Records for minors shall be kept for one year after they reach the age of 21 years.

(a) A record shall be kept in a satisfactory manner, such as a bound book or permanent file, on a yearly basis, on each patient admitted to any institution.

(b) The minimum record shall consist of:

Name	Diagnosis
Admittance address	Nursing notes
Age	Medication orders
Sex	Progress notes
Marital status (M S D W)	Name and address of person or agency responsible for patient
Date of admission	
Date of discharge	Name, address and telephone number of attending physician

(c) A permanent record shall be kept of all prescriptions written for patients. It is advocated a book be kept in which prescriptions can be pasted, in chronoligical order.

Article 18. Restraint

200. Restraint. Restraint and/or seclusion shall not be resorted to except under direction of a qualified physician who has experience in the care of mental conditions. Restraint shall be so applied that it can be speedily removed in case of fire or other emergency. (In certain types of buildings, no restraint of any kind is allowed.)

A permanent chronological record shall be kept of patients placed in restraint or seclusion, in a book kept for that purpose. Records should include:

(a) Name, age and sex of patient.
(b) Type of restraint.
(c) Justification.
(d) Name of doctor authorizing.
(e) Date placed in restraint or seclusion.
(f) Date removed from restraint or seclusion.

This record shall always be available for inspection by an authorized representative.

Article 19. Reports

205. Reports. (a) **Admissions of Voluntary Patients** shall be reported on form provided, and forwarded immediately to the department.

TITLE 8. Industrial Relations

CHAPTER 1. DEPARTMENT OF INDUSTRIAL RELATIONS

SUBCHAPTER 1. APPRENTICESHIP COUNCIL (No rules filed)
SUBCHAPTER 2. COMPENSATION INSURANCE FUND (No rules filed)
SUBCHAPTER 3. COMMISSION OF HOUSING
SUBCHAPTER 4. DIVISION OF INDUSTRIAL SAFETY
SUBCHAPTER 4.5. INDUSTRIAL ACCIDENT COMMISSION
SUBCHAPTER 5. INDUSTRIAL WELFARE COMMISSION
SUBCHAPTER 6. DIVISION OF LABOR LAW ENFORCEMENT —LABOR COMMISSIONER
SUBCHAPTER 7. DIVISION OF LABOR STATISTICS AND RESEARCH

Printed April 20, 1945

SUBCHAPTER 3. COMMISSION OF HOUSING

Article
1. Construction and Layout of New County Jails, Parts Thereof and Additions and Alterations Thereto.
Article
2. Labor Camps.

Article 1. Construction and Layout of New County Jails, Parts Thereof and Additions and Alterations Thereto

300. All portions of County Jails should be constructed as follows:

(a) All exterior and interior load bearing walls of solid masonry, or

(b) A skeleton frame of:

(1) Structural steel thoroughly fireproofed or
(2) Reinforced concrete

} Exterior filler walls of solid masonry

(c) A combination of Nos. 1 and 2.

All interior non-bearing walls should be constructed of:

(1) Masonry, or

(2) Metal studs, covered on both faces with metal lath and cement plaster, each such plastered surface to be not less than three-fourths inch ($\frac{3}{4}''$) thick.

All floors, ceilings and roofs should be of solid masonry.

NOTE.—§§ 300 to 315, inclusive, issued under the authority contained in Chapter 73 of the Statutes of 1925: Deering's General Law, Act 1334. The source of §§ 300 to 315, inclusive, is the Rules and Regulations of the Commission of Housing.

301. The total exterior window area should be not less than one-eighth of the superficial floor area of any room in which cells are located, and in the event that a double tier of cells is provided, the said window area should be doubled. In no event should the window area in any room used for sleeping purposes be less than twelve square feet (12 sq. ft.). All such windows should abut a street, yard or court of adequate dimensions so that there may be proper light to all portions of the room or compartment the windows serve. The windows should be made and arranged

*† For statutory and source citations, see note to §300.

so that at least one-half of their aggregate area may be opened unobstructed. Every window should be of wire glass not less than one-fourth inch (¼″) thick, set in metal frame and sash and secured by metal glazing angles.

In lieu of windows such cells or rooms may be lighted and ventilated by a skylight with fixed or movable louvers directly to the outer air. Skylights should be of incombustible materials and glazed with wire glass not less than one-fourth inch (¼″) thick. No jail or portion thereof used for confinement purposes should be located in a cellar.*†

302. No building or room in which cells are installed should be less than sixteen feet by twenty feet (16′x20′) superficial floor area; minimum ceiling height of rooms should be not less than nine feet (9′). If there are two tiers of cells the ceiling height should be not less than eighteen feet (18′). Air content of rooms should be computed on the basis of five hundred cubic feet (500 cu. ft.) per person.

Steel cells for one person occupancy should be at least six feet (6′) wide, eight feet (8′) long, and should be increased in size to adequately accommodate additional persons. In no event should any steel cell be less than eight feet (8′) in height. Cells should provide for the confinement of one person or three or more persons. Cells should not house two persons.*†

303. All bunks should be of solid sheet metal in preference to wire bunks.*†

304. Day rooms attached to sleeping compartments are recommended for steel cell blocks. Day room floor area should be equal to at least 80 per cent of sleeping compartment area. Day rooms should be equipped with steel table or tables and seating arrangements provided.*†

305. Each cell or sleeping compartment should be provided with toilet and lavatory.*†

306. Adequate bathing facilities, preferably showers, should be provided.*†

307. Each plumbing fixture should be separately and effectively trapped and vented.*†

308. Cells of metal plate walls and ceilings should be arranged so as to allow for a free circulation of air throughout.*†

309. Every jail should be provided with two means of egress, the second means of egress for use only in the event of fire or similar emergency to terminate in such a way as to prevent unwarranted escape-at-large and to be centrally controlled from the main office.*†

310. Any boiler, heating furnace or water heating apparatus located within any jail and using oil or other liquid fuel should be installed in a room having masonry walls, floors and ceilings. Every door to such room should be an approved self-closing and fire-resisting door—either a sliding type or one that opens outward from the room,

*† For statutory and source citations, see note to §300.

SUBCHAPTER 4. STATE COLLEGES

Printed August 22, 1945

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1. General functions
2. Minimum standards to be maintained in the State colleges
3. Graduation requirements
4. Requirements for the Bachelor of Arts Degree
5. Authorized curricula
6. Determination of curricula to be offered in each college
7. Credential course requirements
8. Curricula not leading to credentials
9. Summer sessions
10. Admission requirements
11. Admission with advanced standing
12. Admission to teacher training requirements
13. Bachelor of Education Degree
14. Vacations
15. Tuition fee and refunds

Article 1. General Functions

900. General Functions. Each college is authorized to offer curricula, that is patterns of courses, not exceeding four years in length and leading to a baccalaureate degree. Each four-year curriculum shall involve the satisfactory completion of 120 semester hours of work. The primary function of the State colleges is the training of teachers and only courses appropriate for students intending to enter the teaching profession may be offered; provided, that the specific courses offered in the colleges in their teacher training curricula may be regrouped into liberal arts curriculum patterns appropriate for students who do not intend to enter the teaching profession. No applicant or student shall be required as a condition to admission or attendance to make a declaration that it is his intention to become a teacher or any declaration to like effect. No student who is not a candidate for a teaching credential shall be required as a condition to graduation or otherwise to enroll in more than six semester hours in professional courses in education.

NOTE.—§§900 to 1016, inclusive, issued under the authority contained in Sections 112 and 20347, Education Code. Source of §§900 to 1016, inclusive, is the Rules and Regulations of the State Board of Education.

Article 2. Minimum Standards to be Maintained in the State Colleges

905. Minimum Standards to Be Maintained in the State Colleges. At least 90 per cent of the full-time faculty in each State college must hold the equivalent of a master's or doctor's degree.*†

906. Each institution must possess a separate library of at least 15,000 volumes appropriately distributed among the fields of knowledge in which instruction is offered. The books must be properly classified and catalogued and the library must be administered by a trained librarian.*†

907. The college must have available adequate training school facilities for observation, demonstration and supervised teaching in elementary and junior high school subjects.*†

*† For statutory and source citations, see note to §900.

908. The college must employ not less than 20 full-time instructors during the regular sessions of the school year.*†

909. The faculty must consist of specialists qualified to give the necessary instruction prescribed by the State Board of Education for the colleges in the several major lines as they are from time to time approved for the college concerned.*†

910. To grant the degree in a curriculum of the presecondary or liberal arts type, the college must meet all general requirements prescribed herein and in addition thereto must maintain upper division courses totaling at least 24 semester hours in each department in which the major is offered.*†

911. Full and detailed information concerning all required and elective courses constituting the curricula in the colleges must be submitted to the Director of Education and may be offered only when specifically approved by him.*†

Article 3. Graduation Requirements

916. Graduation Requirements. Each institution is authorized to adjust its several courses for the training of teachers to the minimum requirements herein prescribed; provided, that candidates for credentials must meet the requirements of the State Board of Education for certification in the various fields in which the credential accompanies the degree.*†

917. Proficiency in any part of the curricula herein provided for, when properly ascertained by the faculty of the State college concerned, shall be deemed sufficient satisfaction of the items of the curriculum covered; provided, that no student shall be graduated from any of the curricula with less than 24 semester hours of work completed in residence according to Regulations of the faculty recommending the degree.*†

918. A student of a State college serving as a student teacher shall receive credit only for teaching done in a college training school or as an assistant to a regularly certificated teacher who shall supervise the work when supervision is not provided by the State college.*†

919. Students remaining in continuous attendance in a State college may for the purpose of meeting graduation requirements elect to meet the Regulations in effect either at the time of matriculation or at the time of graduation, except insofar as this Regulation may be specifically modified by other State Board of Education Rules and Regulations.*†

Article 4. Requirements for the Bachelor of Arts Degree

924. Requirements for the Bachelor of Arts Degree. Required Courses:

(a) SOCIAL SCIENCES ----------12 semester hours

This group shall be drawn from the fields of sociology, history, geography, economics, political science, and similar phases of the social sciences. Upon the approval of the Director of Education, survey courses which combine materials from these groups may be offered in

*† For statutory and source citations, see note to §900.

APPLICATION

I hereby apply for the admission of the child named herein to a child care center.

_____ _____ M–F

Name of Child Date of Birth Sex

NOTE.—Other children of the same parents may be listed below on this form.

Number of other minor children in the family_____

Total number of persons in household_____

Name of person making application_____

Relationship to child_____

Marital status of parents: (Check) Living together____; Father absent____; Mother absent____; Separated____; Divorced____; Father deceased____; Mother deceased____; Step-father____; Step-mother____.

	FATHER *	MOTHER *
Name		
Address		
Now in Armed Forces	Yes No (Circle one)	Yes No (Circle one)
Name of employer		
Address of employer		
Type of position held		
Average monthly income		
Total average income per month		
Joint income may be shown in first column.		

Is other care available than in a child care center? YES NO Cost per day $_____

The above is a true and correct statement to the best of my knowledge and belief.

* If for other person having custody, please indicate.

Signed

Statement by person reviewing application:

Is there any special condition to be considered in passing upon this application? YES NO State nature of special condition. This can be done without violating personal confidences, by indicating, in general, the nature of the matter without unnecessary detail, it being expressly understood that no information withheld, would, if known, change the recommendation made, nor be in violation of any law.

Is admission recommended? YES NO.

Signature: Person acting for the board

Child care center to which admitted_____

Date of admission_____ Date of withdrawal_____

TITLE 5. Education

CHAPTER 1. DEPARTMENT OF EDUCATION
CHAPTER 2. STATE LIBRARY (NO RULES FILED)
CHAPTER 3. TEACHERS RETIREMENT BOARD

Printed August 22, 1945

CHAPTER 1. DEPARTMENT OF EDUCATION

SUBCHAPTER 1. GOVERNMENT OF THE PUBLIC SCHOOLS
SUBCHAPTER 2. CREDENTIALS FOR PUBLIC SCHOOL SERVICE
SUBCHAPTER 3. EMERGENCY CREDENTIALS FOR PUBLIC SCHOOL SERVICE
SUBCHAPTER 3.5. ACCREDITATION OF TEACHER EDUCATION INSTITUTIONS FOR TEACHER CERTIFICATION PURPOSES
SUBCHAPTER 4. STATE COLLEGES
SUBCHAPTER 5. PUPIL TRANSPORTATION
SUBCHAPTER 6. VETERANS EDUCATION

SUBCHAPTER 1. GOVERNMENT OF THE PUBLIC SCHOOLS

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2. School Attendance
3. Duties of Principals and Teachers
4. Revocation of Credentials
5. Elementary Textbooks
6. High School Textbooks
7. Pupils
8. Governing Boards of School Districts
9. Record of Scholarship
10. Program of Studies and Daily Program
11. Library Records
12. Secondary Schools and Programs of Studies
13. Continuation Education
14. Evening Schools and Special Day and Evening Classes
15. Junior College Standards
15.5. Boundaries of School Districts
16. Standards for Child-Care Centers

Article 1. School Sessions

1. When School Shall Be Open and Teachers Present. Unless otherwise provided by Rule of the governing board of the school district, teachers are required to be present at their respective rooms, and to open them for admission of the pupils, not less than 30 minutes before the time prescribed for commencing school.

All teachers shall observe punctually the hours fixed by Regulation of the governing board of the school district for opening and closing school.

NOTE.—§§1 to 133, inclusive, issued under the authority contained in Section 112, Education Code. Source of §§1 to 133, inclusive, is the Rules and Regulations of the State Board of Education.

2. School Activities Continue Until Departure of Bus. In any school district in which the governing board provides transportation facilities for pupils such pupils may be required to remain at school to participate in such activities as have been approved by the superintendent of schools, if any, or by the governing board of such district, until the departure of such pupils in the vehicles to which such pupils have been assigned.*†

3. Daily School Sessions. (a) Not less than a total of 20 minutes daily shall be devoted to recesses in any grade in the elementary schools, and in no case shall a pupil of grade one, two, or three be kept in school

*† For statutory and source citations, see note to §1.

longer than one hour without a recess. Unless otherwise provided by resolution of the governing board of the school district, the daily school session for pupils of grades one, two, and three, shall commence at nine o'clock a.m., and close at two o'clock p.m., with a noon intermission of one hour, from 12 o'clock m. until one o'clock p.m., and with two recesses of 10 minutes each, to begin at 10 o'clock and 11 o'clock a.m., respectively. Unless otherwise provided by resolution of the governing board of the school district, the daily school session for pupils of grades four to eight, inclusive, in elementary schools, shall begin at nine o'clock a.m., and close at four o'clock p.m., with a noon intermission of one hour, from 12 o'clock m. until one o'clock p.m.

(b) The minimum school day in any high school, other than an evening high school, is four clock hours, exclusive of intermissions.

(c) The minimum school day in any junior college, other than an evening junior college, is three clock hours exclusive of intermissions.*†

ARTICLE 2. SCHOOL ATTENDANCE

8. What Attendance May Be Counted. In all types of schools and classes, all time spent by pupils within the school in activity approved by the principal and all time spent in any educational activity which is a definite part of the student's assignment and which is conducted by or under the supervision of a legally certificated teacher employed by the governing board of the district, during the hours of the regular school day as established by resolution of the governing board of the district, or in the case of special day and evening classes, during the hours fixed for such classes, may be counted as pupil attendance to be credited for apportionment purposes. In no case, however, may time spent by pupils during luncheon periods be credited as attendance for apportionment purposes.*†

9. Computation of Average Daily Attendance. (a) **Day's Attendance in High Schools and Junior High Schools.** Except in junior college classes one day of attendance shall be allowed for each 240 minutes of pupil attendance in any type of day or evening class in high schools, including junior high schools.

(b) **Deduction for Absences From Regular Courses.** In computing days of attendance in regular day classes of high schools, 5 per cent shall be deducted for each full 12 minutes of absence from the required 240-minute attendance day.

(c) **Day's Attendance in Junior College Classes.** In junior college classes three clock hours of student attendance shall constitute one day of attendance.

(d) **Period Attendance Reports.** In all types of secondary schools and classes each teacher shall be required to submit at least once each school day to the principal's office an attendance report listing the names of all pupils absent each period during the day.*†

10. Records and Reports of Secondary School Attendance. All attendance record forms employed in secondary schools shall be subject to the approval of the State Department of Education.*†

*† For statutory and source citations, see note to §1.

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3246(a)	B-2j(1)	General Specifications (Continued)
3246(b)	B-2j(2)	" "
3246(c)	B-2j(3)	" "
3246(d)	B-2j(4)	" "
3246(e)	B-2j(5)	" "
3247	B-2k	" "
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3249	B-2m	" "
3249(a)	B-2m(1)	" "
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3249(e)	B-2m(5)	" "
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3251	B-2o	" "
3252	B-2p	" "
3253	B-2q	" "
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3257(a)	B-2t(1)	" "
3257(b)	B-2t(2)	" "
3258	B-2u	" "
3259	B-2v	" "
3260	B-2w	" "
3261	B-2x	" "
3262	B-2y	" "
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3265(a)	C-1a	" "
3265(b)	C-1b	" "
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3268(a)	C-2a	" "
3268(b)	C-2b	" "
3268(c)	C-2c	" "
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3271	D-2b	" "
3271(a)	D-2b(1)	" "
3271(b)	D-2b(2)	" "
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3272(a)	D-2c(1)	" "
3272(b)	D-2c(2)	" "
3272(c)	D-2c(3)	" "
3272(d)	D-2c(4)	" "
3273	D-2d	" "
3274	E-1	" "
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3275(a)	E-2a	" "
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3275(c)	E-2a(2)	" "
3275(d)	E-2a(3)	" "
3276	E-2b	" "
3277	E-2c	" "
3278	F-1	" "
3279	F-2	" "
3280	F-3	" "

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California Administrative Code Section	*Origin* *Department of Agriculture, Bureau of Weights and Measures—Tolerances and Specifications for Commercial Weighing and Measuring Devices (Edition 1943)* *Rule*	
3280(a)	F-3a	General Specifications (Continued)
3280(b)	F-3a(1)	" "
3280(c)	F-3a(2)	" "
3280(d)	F-3a(3)	" "
3280(e)	F-3a(4)	" "
3281	F-3b	" "
3282	F-3c	" "
3283	F-3d	" "
3284	F-3e	" "
3285	G-1	" "
3287(a)	G-2a	" "
3287(b)	G-2b	" "
3287(c)	G-2c	" "
3287(d)	G-2d	" "
3290	G-3a	" "
3291	G-3b	" "
3293	G-3c	" "
3292(a)	G-3c(1)	" "
3292(b)	G-3c(2)	" "
3293	G-3d	" "
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3296	G-3g	" "
3297	G-3h	" "
3297(a)	G-3h(1)	" "
3297(b)	G-3h(2)	" "
3298	I-1	" "
3299(a)	I-1a	" "
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3300	I-2	" "
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3303	I-5	" "
3303(a)	I-5a	" "
3303(b)	I-5b	" "
3304	I-6	" "
3305	J-1	" "
3305(a)	J-1a	" "
3305(b)	1	" "
3305(c)	2	" "
3305(d)	3	" "
3305(e)	4	" "
3305(f)	5	" "
3305(g)	6	" "
3306	J-1b(1)	" "
3307	J-1b(2)	" "
3308	J-2	" "
3308(a)	1	" "
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3312(a)	J-6a	" "
3312(b)	J-6b	" "

the manufacturers' tolerances in many cases when retesting apparatus which has been rejected and which has subsequently been adjusted or repaired, for the same reasons as have been outlined above.

(c) It may also be mentioned that there are certain types of apparatus with respect to which the general principle of loss of accuracy with use does not apply, such as graduated glassware, milk bottles, etc. Therefore, in the tolerances which are given hereafter it will be observed that in certain instances but a single tolerance is specified. Whenever no mention is made of manufacturers' tolerances, it is to be understood that the same tolerance applies to new and to old apparatus.

(d) Where 2 classes of tolerances are specified, the manufacturers' tolerances are one-half the users' tolerances; since the latter will be employed more frequently than the former, the values appearing in the tolerance tables which are given hereafter are the users' tolerances, and the values for the manufacturers' tolerances will be one-half of those given in the tables.*†

3027. Correct and Incorrect Apparatus Defined. A weight or measure or weighing or measuring device which is defined as correct shall be understood and construed to mean only one which conforms to the standard within the tolerance, under the method of test prescribed, and which, in addition, complies with all the specifications applicable to it given in the following pages. All other weights and measures and weighing and measuring devices shall be understood and construed to be incorrect.*†

3028. Apparatus in the Metric System. No specifications contained in the following pages shall be understood or construed to prohibit the sale or use of weights or measures or weighing or measuring devices constructed or graduated in units of the metric system.

The tolerances to be allowed on any weight or measure or weighing or measuring device constructed or graduated in units of the metric system shall be the same as those specified on similar apparatus of an equivalent size or at an equivalent load in the customary system.*†

3029. Specifications printed in Roman type are retroactive, and apply to all apparatus.*†

3030. *Specifications printed in italics are nonretroactive and apply only to apparatus manufactured in or brought into the State after the date of promulgation of the specifications.*†

3031. Identification of Weighing and Measuring Devices. *All weighing and measuring devices except weights shall be conspicuously, clearly, and permanently marked, for purposes of identification, with the name, initials, or trade-mark of the manufacturer and with the manufacturer's designation which positively identifies the pattern or the design of the device.*†* (Filed 4-24-47; Effective 4-24-47)

Article 2. Liquid Measuring Devices

NOTE.—These provisions now embrace both liquid-measuring devices of the retail type and liquid-measuring devices of the wholesale type.

The following specifications, tolerances, and regulations are not to be construed to apply to grease-measuring devices or to water meters.

*† For statutory and source citations, see note to §2875.

3032. Definitions. A mechanically operated liquid-measuring device, hereinafter referred to as a "liquid-measuring device," is a mechanism or machine adapted to measure and deliver liquid by volume.

A liquid-measuring device of the retail type, hereinafter referred to as a "retail device," is a liquid-measuring device which, on account of its design and the character of its primary indicating elements, is obviously intended for retail deliveries to individual consumers. (1940)

A liquid-measuring device of the wholesale type, hereinafter referred to as a "wholesale device," is a liquid-measuring device which, on account of the character of its primary indicating elements, is obviously designed for single deliveries of 100 gallons or more.*†

Specifications Applicable Both to Retail and to Wholesale Devices

3033. Permanence. *All liquid-measuring devices shall be of such design, construction, and materials that they may reasonably be expected to withstand ordinary usage without impairment of the accuracy of their measurement or the correct functioning of their operating or indicating parts.*†

3034. Plumb and Level Conditions. *All liquid-measuring devices shall be so designed and constructed that they will be in normal operating position when they are in level.*†

3035. Means to Determine Level. *Liquid-measuring devices, the indications or deliveries of which are changed by an amount greater than one-half the tolerances allowed, when set in any position on a surface making an angle of 5 per cent or approximately 3 degrees with the horizontal, shall be equipped with suitable means by which the level can be determined and established, such as a two-way or a circular level, a plumb bob, leveling lugs, etc.*†

3036. Units of Delivery. *Liquid-measuring devices shall have the following discharge capacities per stroke or per cycle of the primary indicating elements, and these only: 1 gallon, a multiple of the gallon, two and one-half gallons, or a binary submultiple of the gallon, that is, the quantity obtained by dividing the gallon by the number 2 or a power of the number 2; provided, however, that a device may be constructed to deliver other amounts than the above, corresponding to predetermined money values at a definite price per gallon, but in such cases the device shall be so constructed that the price per gallon at which it is set at any time will be clearly indicated to the customer by automatic means. Fractional parts of a gallon may be indicated in terms of decimal or binary submultiple subdivisions. In the case of a wholesale device, the value of the smallest unit of indicated delivery shall not exceed one gallon.*†

3037. Prevention of Registration of Air. *In any installation of a meter-type liquid-measuring device, adequate means shall be provided for preventing the passage of air or vapor through the meter. When gravity discharge is employed, if a mechanical air eliminator or other means to prevent inaccuracies of measure due to air or vapor in the liquid be not provided, provision shall be made for preventing a vortex at the point of discharge from the supply tank whereby air might be drawn into the line leading to the meter, and the meter shall be so mounted and the piping so arranged that the meter will not be drained*

*† For statutory and source citations, see note to §2875.

CHAPTER 8. BUREAU OF WEIGHTS AND MEASURES, DEPARTMENT OF AGRICULTURE

SUBCHAPTER 1. PETROLEUM SALES (No Rules Filed)
SUBCHAPTER 2. STANDARDS OF WEIGHTS AND MEASURES
SUBCHAPTER 3. TERMINAL WEIGHING FEES
SUBCHAPTER 4. TOLERANCES AND SPECIFICATIONS FOR COMMERCIAL WEIGHING AND MEASURING DEVICES

Printed March 22, 1945

SUBCHAPTER 2. STANDARDS OF WEIGHTS AND MEASURES

Article
1. Standards of Weights and Measures
2. Tare Weights
3. Tolerances
4. Weighmaster, Public

Article 1. Standards of Weights and Measures

2875. Berries in Containers. Net weight.

(a) Blackberries—
12 ounces minimum contents (pint 33.6 cubic inches).
Tolerance 2 ounces in excess.
8 ounces minimum contents (one-half pint 16.8 cubic inches).
Tolerance 1 ounce in excess.

(b) Boysenberries—
12 ounces minimum contents (pint 33.6 cubic inches).
Tolerance 2 ounces in excess.
8 ounces minimum contents (one-half pint 16.8 cubic inches).
Tolerance 1 ounce in excess.

(c) Loganberries—
12 ounces minimum contents (pint 33.6 cubic inches).
Tolerance 2 ounces in excess.
8 ounces minimum contents (one-half pint 16.8 cubic inches).
Tolerance 1 ounce in excess.

(d) Raspberries—
8 ounces minimum contents (one-half pint 16.8 cubic inches).
Tolerance 1 ounce in excess.

(e) Strawberries—
12 ounces minimum contents (pint 33.6 cubic inches).
Tolerance 2 ounces in excess.

(f) Youngberries—
12 ounces minimum contents (pint 33.6 cubic inches).
Tolerance 2 ounces in excess.
8 ounces minimum contents (one-half pint 16.8 cubic inches).
Tolerance 1 ounce in excess.

(g) Berry boxes shall not have a false bottom or be so constructed as to facilitate deception or fraud.

NOTE.—§§2875 to 3386, inclusive, issued under the authority contained in Sections 12012, 12027, 12100, 12104, 12107, and 12107.5, of the Business and Professions Code. The source of §§2875 to 3386, inclusive, is the Rules and Regulations (including Commodity Net Weight and Measure Standards and Tolerances and Specifications) of the Director of Agriculture.

2876. Butter in Containers. The standard net weight of butter (when sold, offered or exposed for sale) in paper wrappings, paper containers or cartons is hereby fixed to be one-quarter pound, one-half pound, one pound, or two pounds, net standard avoirdupois weight.

The inspection of the weight of butter shall be made on the premises of the person holding a permit as a "cutter" or as a wrapper," or as a butter "distributor," as defined in Section 529, Article 5, Butter, Chapter 2, Division 4, Agriculture Code of the State of California, or on the premises of the retail store from which the butter is sold, offered or exposed for sale.

There shall be no tolerance for deficiency in weight.*† Filed 2-25-47)

2877. Repealed. (Effective 9-1-45)

2878. Mill Products:

(a) Standards of net weight. The following standards of net weight are hereby fixed and established as the standards of net weight for the mill products herein mentioned when these commodities are packaged in sacks or in other containers:

(1) Rolled oats, Oat meal (Pure or Blended)	One bbl. shall contain	180	lbs. net weight
	½ bbl. shall contain	90	lbs. net weight
	¼ bbl. shall contain	45	lbs. net weight
	⅛ bbl. shall contain	22½	lbs. net weight
	1/20 bbl. shall contain	9	lbs. net weight
	1/40 bbl. shall contain	4½	lbs. net weight
(2) Pancake flour	One bbl. shall contain	196	lbs. net weight
	½ bbl. shall contain	98	lbs. net weight
	¼ bbl. shall contain	49	lbs. net weight
	⅛ bbl. shall contain	24½	lbs. net weight
	1/20 bbl. shall contain	9.8	lbs. net weight
	1/40 bbl. shall contain	4	lbs. net weight
(3) Rye flour, Rye meal	One bbl. shall contain	196	lbs. net weight
	½ bbl. shall contain	98	lbs. net weight
	¼ bbl. shall contain	49	lbs. net weight
	⅛ bbl. shall contain	24½	lbs. net weight
	1/20 bbl. shall contain	9.8	lbs. net weight
	1/49 bbl. shall contain	4.9	lbs. net weight
(4) Buckwheat flour	One bbl. shall contain	200	lbs. net weight
	½ bbl. shall contain	100	lbs. net weight
	¼ bbl. shall contain	50	lbs. net weight
	⅛ bbl. shall contain	25	lbs. net weight
	1/20 bbl. shall contain	10	lbs. net weight
	1/40 bbl. shall contain	5	lbs. net weight

(b) After weights and measures territory has once been covered, it is customary to consider as "new" all apparatus which is subsequently being tested for the first time by the official, and to apply to such apparatus the manufacturers' tolerances. It is likewise customary to apply

*† For statutory and source citations, see note to §2875.

(f) The guardian of the estate of a licensee may execute a transfer application and shall accompany such transfer application with a certified copy of the order appointing him guardian.

(g) In case of the death of a partner licensee the surviving partner or partners may execute a transfer application and shall accompany such transfer application with a certified copy of the death certificate of the deceased partner.

(h) A trustee of the bankrupt estate of a licensee may execute a transfer application and shall accompany such transfer application with a certified copy of the order appointing him trustee.

(i) In the event that a deceased licensee leaves no estate to be administered, the surviving spouse may execute a transfer application and shall accompany such transfer application with a certified copy of the death certificate of the deceased licensee.*†

(j) The receiver of the estate of a licensee may execute a transfer application and shall accompany such transfer application with a certified copy of the order appointing him receiver.*† (Filed 9-18-47; Effective 9-18-47)

61. License Limitation. (a) No distilled spirits wholesaler's or rectifier's license shall be issued in any county in excess of the number of such licenses issued and outstanding in such county as of December 14, 1945. No distilled spirits wholesaler's license or rectifier's license shall be transferred from premises located in one county to premises located in another county. Nothing in this rule shall be deemed to prevent the renewal or the transfer of any distilled spirits wholesaler's license or rectifier's license from person to person or from premises to premises within the same county.

(b) On-sale distilled spirits licenses for seasonal businesses shall be restricted to premises for which such licenses have heretofore been issued by the board, unless the board shall determine that the issuance of such licenses for other premises is warranted because of the public convenience and necessity. (Amended 12-13-45; effective 12-14-45; filed 12-17-45)*†

63. License Reinstatement After Automatic Revocation. A license may be issued to a person who makes application therefor within a period of three months following automatic revocation of a license of the same type for failure to renew such license, when it shall be determined that such failure was due to circumstances beyond the control of the applicant. (Filed 12-19-45)*†

64. Reinstatement of Licenses Surrendered During Wartime. (a) Any person who surrendered his license to the board under the provisions of subdivisions (a) or (c) of this rule as it read on September 1, 1947 and prior thereto, may apply for reissuance of such license within 90 days after his honorable discharge or his discharge under other honorable conditions from the United States armed forces or Merchant Marine, or within 90 days after the possession of his premises has been returned to him by the United States Government. (Filed 9-18-47; Effective 9-18-47)

*† for statutory and source citations, see note to §1.

(b) Any person who surrendered his license to the board under the provisions of subdivision (b) of this rule as it read on September 1, 1947 or prior thereto, may apply for reissuance of his license by filing an application therefor on or before March 19, 1948. (Filed 9-18-47; Effective 9-18-47)

(c) Any licensee who has surrendered his license under the provisions of rule 64 (b) because of the use or seizure of his premises by the government or its authorized agencies, and whose premises are returned to his use may apply for reissuance of his license within 90 days after the return of his premises. (Filed 12-19-45)*†

65. Surrender of License on Closing of Business. Every licensee who surrenders, abandons or quits his licensed premises, or who closes his licensed business for a period exceeding two weeks, shall, within 10 days after surrendering, quitting, or abandoning his licensed premises, or closing his business, surrender his license or licenses to the board.

Transfer applications with respect to licenses which have been so surrendered, or which should have been surrendered to the board pursuant to this rule, may be filed within a period of 30 days after the licensee surrenders, abandons, or quits his licensed premises, or closes his licensed business.*†

66. Premises Where License Previously Denied. No license will be issued for any premises for which an application for a license has been denied, for reasons pertaining to the premises, unless one year has elapsed from the date the order of denial became final.*† (Filed 9-18-47; Effective 9-18-47)

67. On-Sale Beer Licenses. An on-sale beer license will not be issued for any premises for which any other type of license is issued and no other type of license will be issued for premises for which an on-sale beer license is issued.*† (Filed 9-18-47; Effective 9-18-47)

Article 12. Military and Naval Reservations and Camps

69. Licenses Will Not Be Issued or Transferred to the Vicinity of Military or Naval Reservations. (Repealed. Effective 9-18-47.)

70. Army or Navy Disciplinary Action Cause for Suspension or Revocation of Licenses. (Repealed. Effective 9-18-47.)

71. Sales to Persons on Federal Reservations. Beer manufacturers, wine growers, rectifiers or wholesalers of alcoholic beverages who sell alcoholic beverages to nonlicensees having a fixed place of business or residence upon territory within this State which is maintained by the United States Government as a military or naval reservation or a National park, may deliver such alcoholic beverages to such nonlicensees at the vendor's licensed premises only when the purchaser is a ship's service store, officers' club, officers' mess, post exchange or similar organization. Such deliveries may be made only to persons who present at the licensee's premises a written order for the purchase of the alcoholic beverages specified in the order, which shall be issued by the service organization for which the purchase is made. Any licensee making such sales and

*† For statutory and source citations, see note to §1.

TITLE 4. Business Regulations

CHAPTER 1. ALCOHOLIC BEVERAGES, (BOARD OF EQUALIZATION)
CHAPTER 2. ATHLETIC COMMISSION
CHAPTER 3. FURNITURE AND BEDDING INSPECTION
CHAPTER 4. HORSE RACING BOARD
CHAPTER 5. ITINERANT VENDOR OF DRUGS (NO RULES FILED)
CHAPTER 6. OUTDOOR ADVERTISERS, (DEPARTMENT OF PUBLIC WORKS)
CHAPTER 7. SECRETARY OF STATE,—TRADE-MARKS
CHAPTER 8. WEIGHTS AND MEASURES, (DEPARTMENT OF AGRICULTURE)

Printed—March 22, 1945

CHAPTER 1. ALCOHOLIC BEVERAGES (BOARD OF EQUALIZATION)

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5. Inventories
6. Reports
7. Losses and Allowances
8. Classification of Particular Beverage
9. Samples
10. Sales for Export
11. Applications and Licenses
12. Military and Naval Reservations and Camps
13. Private Warehouses
14. Sales Without Licenses
15. Prices
16. Signs and Notices
18. Standard Cases for Distilled Liquor
19. Certificates of Compliance
20. Measurement of Time
21. Interior Illumination of Licensed Premises
22. Suspension or Revocation of Licenses
23. Administrative Procedure

Article 1. Violation of Rules

1. Violation of Rules. Violation of any rule or regulation by a licensee, his agent or employee, shall be deemed contrary to public welfare and morals and grounds for suspension or revocation of a license. [Filed 11-15-45; Effective 11-15-45]

NOTE.—§§1 to 142, inclusive, issued under the authority contained in Section 38 of Chapter 330, Statutes of 1935 as amended; Deering's General Laws, Act 3796. The source of §§1 to 142, inclusive, is the Rules and Regulations of the State Board of Equalization, Alcoholic Beverages.

Article 2. Records

4. General. Every licensee liable for payment of taxes or license fees based upon the sale or manufacture of alcoholic beverages shall keep complete and accurate records of all transactions in alcohol or alcoholic beverages.

All records shall be kept and maintained in this State, unless permission has been granted by the board to keep and maintain the records at a place outside this State.

Every licensee required to file reports shall maintain adequate records by which employees of the board may verify such reports.

All records required by law or rule and regulation to be kept by any licensee, shall be kept and preserved for a period of three years. [Filed 11-15-45; Effective 11-15-45]*†

7. Distilled Spirits. (a) Every distilled spirits manufacturer, manufacturer's agent, brandy manufacturer, and rectifier shall keep

*† For statutory and source citations, see note to §1.

and preserve a record of all distilled spirits produced, manufactured, cut, blended, rectified, bottled, or otherwise acquired in this State. A daily record of such acquisitions shall be made in book forms prescribed by the board. All distilled spirits received from licensee's own bottling department shall be recorded in SBE Form 240A. Receipts from bottling department shall include all distilled spirits bottled, whether or not the distilled spirits are owned by the licensee.

(b) Every distilled spirits taxpayer shall keep a record in SBE Form 241A of all bottled distilled spirits acquired from other distilled spirits taxpayers in California and of all distilled spirits received from licensee's own branches in California.

(c) Every distilled spirits or brandy importer shall keep a record in SBE Form 242A of all bottled distilled spirits acquired by direct importation from without the State.

(d) Every distilled spirits taxpayer shall keep a record of all distilled spirits sold, and in addition thereto, shall make a daily record in book forms prescribed by the board covering all distilled spirits sold or delivered to other taxpayers in California and all distilled spirits exported or sold for export from California, as follows:

(1) All sales or deliveries of distilled spirits to other California distilled spirits taxpayers, all transfers of distilled spirits to licensee's own branches in California, and all returns of distilled spirits to original vendors in California, shall be recorded in SBE Form 243B.

(2) All sales of distilled spirits exported or sold for export from California and actually exported and all sales of distilled spirits to common carriers engaged in interstate or foreign passenger service, shall be recorded in SBE Form 244B.

(e) All purchase invoices and bottling records covering distilled spirits acquisitions and all sales invoices, credit memoranda, or other data supporting such sales or deliveries, must be retained on the premises of the licensee and filed in such manner as to be readily available for verification by employees of the board.

(f) Any distilled spirits wholesaler may make an application to the board for permission to prepay the distilled spirits excise tax on his inventory of distilled spirits on hand as of the first day of any calendar month, and for permission thereafter to pay the excise tax levied on sales of distilled spirits on the basis of subsequent purchases and acquisitions of distilled spirits by him. Any wholesaler who has been granted such permission and who operates more than one location for which distilled spirits wholesalers' licenses are issued and who elects to file a consolidated tax return covering distilled spirits transactions for all of his branch premises, need not include in his SBE Forms 241A and 243B transfers of distilled spirits between his own premises as otherwise provided in this rule.

(g) **Retail Distilled Spirits.** Retail distilled spirits licensees shall keep the original bills and invoices in connection with the purchase of distilled spirits.

*† For statutory and source citations, see note to §1.

CHAPTER 6. FARM PRODUCTION COUNCIL (No rules filed) (Statutes 1943, 2nd Extra Session, Chapter 1, p. 3397).

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Printed July 25, 1945

SUBCHAPTER 2. MARKETING

Article 1. Marketing Orders and Marketing Agreements
Article 2. Marketing Programs (Proration)

Article 1. Marketing Orders and Marketing Agreements

1800. Marketing Orders and Marketing Agreements. There have been issued under the California Agricultural Products Marketing Act of 1937 and under the California Agricultural Products Marketing Act of 1943 and under Chapter 10, Division 6 of the Agricultural Code certain Marketing Orders listed below:

(a) **Corn.** Marketing Order for Coachella Valley Green Corn. Effective September 1, 1947.

(b) **Dates.** Marketing Order for Dates, as amended, effective November 4, 1943. (Non-operative)

(c) **Figs, Dried, and Dried Fig Products.** Marketing Order for Dried Figs and Dried Fig Products. Effective July 2, 1946.

(d) **Grapefruit.** Marketing Order regulating the handling in intrastate commerce of grapefruit grown in Imperial County and that part of Riverside County south and east of San Gorgonio Pass in the State of California, as amended. Effective January 2, 1944.

(e) **Grapefruit, Desert.** Marketing Order for Advertising and Trade Promotion for California Desert Grapefruit and Grapefruit Products. Effective November 17, 1944.

(f) **Lettuce, Dry-Pack.** Marketing Order for Dry-Pack Lettuce. Effective June 11, 1942.

(g) **Pears, Fresh Bartlett.** Marketing Order for Fresh Bartlett Pears. Effective August 9, 1939. (Non-operative)

(h) **Pears, Canning, Fall and Winter.** Marketing Order for Canning Fall and Winter Pears. Effective August 3, 1946, and terminating automatically July 14, 1951.

(i) **Pears, Fresh, Fall and Winter.** Marketing Order for Fresh Fall and Winter Pears grown in the State of California. Effective August 26, 1941.

(j) **Peaches, Cling.** Marketing Order for Canning and Freezing Cling Peaches (1945-1950).

(k) **Prunes.** Marketing Order for California Dried Prunes. Effective August 25, 1947.

(*l*) **Walnuts.** Marketing Order regulating the handling in intrastate commerce of Walnuts grown in the State of California, as amended. Effective August 11, 1947.

(m) **Wine.** Marketing Order for Wine, as amended. Effective September 1, 1947, and terminating August 31, 1948.

(n) **Poultry.** Marketing Agreement for Poultry Improvement in California. Effective June 5, 1945.

(California Agricultural Products Marketing Act of 1937. Stats. 1937, Chapter 910; Deering's General Laws, Act 146. California Agricultural Products Marketing Act of 1943. Statutes 1943, Chapter 516; Deering's General Laws, Act 146.1. Sections 1300.10 to 1300.29, inclusive, Agricultural Code). [Marketing Orders and Marketing Agreements issued by the Director of Agriculture]

Article 2. Marketing Programs. (Proration)

1850. Marketing Programs (Proration). There have been issued under the Agricultural Producers Marketing Act (Statutes 1945, Chapter 990) certain Marketing Programs listed below:

(a) **Asparagus.** Proration Program Asparagus Proration Zone No. 1 as amended. Effective June 20, 1940. (Non-operative)

(b) **Figs, Dried.** Marketing Program for Figs, as modified. Effective July 16, 1946.

(c) **Grapes.** Marketing Program for Grapes. Effective August 8, 1938. (In liquidation)

(d) **Olives.** Marketing Program for Olives as amended. Effective June 30, 1938. (Suspended)

(e) **Pears, Canning Bartlett.** Marketing Program for canning Bartlett Pears as amended. Effective June 23, 1947.

(f) **Potatoes, Sweet.** Marketing Program for Sweet Potatoes as amended May 13, 1943. (Suspended in Sweet Potato Proration Zone 2 for the 1946-1947 marketing season.)

(g) **Prunes.** Marketing Program for Prunes as amended. Issued August 2, 1940. Educational and Trade Stimulation Program. Effective August 16, 1947, and terminating August 15, 1951.

(h) **Raisins.** Marketing Program for Raisins as amended. Issued July 23, 1940. (Suspended)

(Agricultural Producers Marketing Act. Statutes 1945, Chapter 990.)

[Marketing Programs issued by the Director of Agriculture]

NOTE.—The marketing orders, agreements and programs listed above are not set forth in full in this publication; the text of same, however, together with the text of supplemental Rules and Regulations and Administrative Orders issued by the Director of Agriculture pursuant to each Marketing Order or Program, may be obtained from the Bureau of Markets, Room 116, State Office Building No. 1, Sacramento, California.

Printed July 25, 1945

SUBCHAPTER 3. MARKET ENFORCEMENT

GROUP 1. REFRIGERATED OR FROZEN DAIRY PRODUCTS

Article
1. Equipment
2. Advertising
3. Loans
4. Credit
5. Storage Cabinets
6. Customer-Owned Equipment

Article 1. Equipment

2050. Equipment. Refrigeration facilities may be furnished by distributor to retail stores and other wholesale customers, only to the extent that they are reasonably necessary for the preservation of frozen dairy products distributed by said distributor on a rental basis for reasonable compensation. Such compensation must provide for interest on investment, reasonable depreciation, and cost of repairs and maintenance during normal life of such facilities.

(See Frozen Dairy Products, Section 429)

NOTE.—§§2050 to 2078, inclusive, issued under the authority contained in Section 16, Agricultural Code, and are referable to Chapter 8 of Division 6 of the Agricultural Code. Source of §§2050 to 2078, inclusive, is the Rules and Regulations of the Director of Agriculture.

2051. All equipment, including refrigeration facilities, may be sold to retail stores or other wholesale customers. Such sales may be made for cash or on a conditional sales contract, which contract must provide for a payment of at least one-third cash and the balance to be paid on monthly installments for a term not to exceed 18 months. The prices prescribed in such conditional sales contract shall include interest at current rates and include installation and maintenance for the life of said contract.*†

Article 2. Advertising

2056. Advertising. No payment, credit, or compensation may lawfully be allowed by a distributor to a wholesale customer for advertising or display in connection with the sale of a distributor's milk, cream, or dairy products.*†

2057. No payment of money, or payment, or gift, or loan of anything of value may lawfully be given to a wholesale customer for the privilege of painting or placing a sign, advertisement, or other advertising material, or otherwise advertising a distributor's products in, on, or adjoining any premises selling milk, cream, or dairy products.

No advertising material permissible under this Section may lawfully advertise items other than the distributor's milk, cream, and dairy products, and items made from the same, except not more than one-third of the space on such advertising material may be allocated to the customer's name and products served in conjunction with milk, cream, and dairy products.

*† For statutory and source citations, see note to §2050.

All advertising material furnished by a distributor which is now in or on the premises of a wholesale customer, and which does not conform to the foregoing requirements, in order to comply with law, should be made to conform thereto when next replaced, repaired, or repainted.*†

Article 3. Loans

2062. Loans. The making or renewal of any money loans to any wholesale customer is prohibited.*†

2063. Any distributor who secures the business of a wholesale customer heretofore served by another distributor, may pay the latter any obligations or indebtedness, not otherwise prohibited, which obligation or indebtedness is owned by the wholesale customer involved.*†

Article 4. Credit

2068. Credit. Credit for merchandise sold by a distributor to a wholesale customer is permitted providing, it does not extend beyond the 10th of the second month following purchase.*†

Article 5. Storage Cabinets

2073. Storage Cabinets. A distributor may install cabinets in a wholesale customer place of business without compensation, provided, that the cabinet is used for storage purposes only for the benefit of distributors and no merchandise may be sold to consumer directly from such cabinet.*†

Article 6. Customer-Owned Equipment

2078. Customer-Owned Equipment. A charge must be made for maintenance and repair of customer-owned equipment.*†

*† For statutory and source citations, see note to §2050.

TITLE 3. AGRICULTURE

DEPARTMENT OF AGRICULTURE

Printed July 25, 1945

CHAPTER 1. ADMINISTRATION
CHAPTER 2. ANIMAL INDUSTRY
CHAPTER 3. ECONOMICS
CHAPTER 4. PLANT INDUSTRY
CHAPTER 5. MISCELLANEOUS MATTERS
CHAPTER 6. FARM PRODUCTION COUNCIL (NO RULES FILED)

CHAPTER 1. ADMINISTRATION

SUBCHAPTER 1. GENERAL (NO RULES FILED)
SUBCHAPTER 2. EXAMINATION FOR COUNTY OFFICERS AND EMPLOYEES

Group 1. County Agricultural Commissioners and Deputy Agricultural Commissioners
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Group 1. County Agricultural Commissioners and Deputy Agricultural Commissioners

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SUBCHAPTER 1. DAIRIES

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FOREWORD

The stated purpose of the "Construction and Employment Act" is to alleviate and prevent unemployment by granting financial assistance to local agencies so that they may engage in a large public works construction program.

The State Allocation Board is to prescribe rules and regulations under the act and make allocations of State financial aid. The Director of Finance is charged with the administration of the act.

The Rules and Regulations set forth the procedure to be followed by local agencies in securing financial assistance from the State.

Additional information and copies of forms may be obtained by writing to the Director of Finance, State Capitol Building, Sacramento 14, California.

Article 1. Definitions

1650. As used in these Rules and Regulations, the words and terms defined in this rule shall have the following meaning, subject to the provisions of the act:

(a) **The Act.** Chapter 20, Statutes of 1946 (First Extraordinary Session), and any amendments thereto.

(b) **Application.** Forms supplied by the Director of Finance properly completed and signed by the authorized agent, together with such resolutions, plans, estimates and other information as may be required to accompany said form.

(c) **Authorized Agent.** The person appointed and authorized by resolution or ordinance of the local agency to represent the local agency in all matters pertaining to the act other than those requiring action by the governing body of the local agency.

(d) **Board.** The State Allocation Board as created by the act.

(e) **Construction.** Includes the supervision, inspection, actual building, and all expenses incidental to the construction, reconstruction, modification and alteration of public buildings and facilities but does not include ordinary repair and maintenance, nor, except as provided in Section 11 of the act, acquisition of sites or right of way.

(f) **Controller.** The State Controller.

(g) **Department.** The State Department of Finance.

(h) **Director.** The State Director of Finance.

(i) **Local Agency.** Any county, city and county or city of the State, or any other governmental unit or district of the State which has received an assignment from a local agency.

(j) **Project.** Includes the construction of publicly owned and operated facilities in which the Legislature finds and declares in the act that there is a State interest, proposed to be undertaken by local agencies in accordance with the act.

(k) **School.** A school located in any school district which includes all or any portion of the county when the project is to be paid for in part from the county allocation, and a school located in a school district which includes all or any portion of the city when the project is to be paid for in part from the city allocation.

(*l*) **Sewage Facility or Sewage Project.** Includes sewage treatment and disposal plants, trunk and outfall sewers, and other facilities for the collection, transportation, treatment and disposal of sewage, but does not include local street sewers as distinguished from main trunk, interceptor and outfall sewers.

(m) **Water-Works System.** Includes facilities necessary to the supply, pumping, storage and treatment of water but does not include water distribution mains.

NOTE.—§§1650 to 1701, inclusive, issued under authority contained in Section 7(c) of the Construction and Employment Act, Chapter 20, Statutes of 1946, as amended by Chapter 103, Statutes of 1946 (First Extraordinary Session). Source of §§1650 to 1701, inclusive, is the Rules and Regulations of the State Allocation Board.

Article 2. General Provisions

1651. Allocations of Funds. Of the money appropriated by the act there is allocated $45,000,000 for expenditure within counties and $45,000,000 for expenditures within cities for the purpose of defraying the State's share of the cost of construction of projects.

(a) **County Allocations.** One-third of the county allocation shall be used for reimbursing counties for the State's share of the cost of the acquisition and of rights of way for, and the construction and improvement of, county roads and highways in unincorporated territory and two-thirds will be available for the construction of projects in which there is a State interest, namely, hospitals and sanatoriums, detention homes, schools, sewage facilities, sanitation facilities, roads, highways, tubes, bridges, road and highway facilities, flood control, fire prevention and protection facilities, harbor facilities, and as provided by Chapter 110, Statutes of 1946 (First Extra Session), Veterans Facilities. Each county shall receive a minimum of $100,000 excluding the amount allocated for road and highway purposes.

(b) **City Allocations.** Any funds allocated to a city under the act must first be used to construct sewage projects unless the board after consultation with the State Department of Public Health determines that sewage facilities are adequate to meet the reasonable needs of the city; or that provision already has been made to finance construction of such facilities.

Any funds allocated to a city which are not required for sewage facilities shall be expended only for the construction of major streets, including bridges and other street structures or facilities, schools, storm drains, the improvement of existing publicly owned waterworks systems, and as provided by Chapter 110, Statutes of 1946 (First Extra Session), Veterans Facilities.*†

*† For statutory and source citations, see note to §1650.

SUBCHAPTER 4. LOCAL ALLOCATION DIVISION

Group 1. State Allocation Board

Subgroup 1. Plans and Site Acquisition
Subgroup 2. Construction and Employment
Subgroup 3. State School Building Aid

Subgroup 1. Plans and Site Acquisition

Article
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2. General Provisions.
3. Applications for Allotment for Preparation of Plans
4. Final Completed Plans, Specifications and Estimates.
5. Procedure for Filing Claims for Plans Preparation Reimbursement. (After application has been approved).
6. Requests for Allotment of State Funds for Acquisition of Rights-of-way and Sites—Application for Payment After Approval of Request.
7. Appendix, Sample Forms to be Used.

Article 1. Definitions

1550. All terms defined by Chapter 47, Statutes of 1944, Fourth Extraordinary Session, shall for the purpose of these rules be deemed to be used with the same force and effect as in said act except as expressely modified herein.

NOTE.—§§1550 to 1614, inclusive, issued under the authority contained in Section 5(b) of Chapter 47, Statutes 1944, Fourth Extraordinary Session. The source of §§1550 to 1614, inclusive, is the Rules and Regulations, State Allocation Board.

1551. "Act" as used in these rules and regulations has reference to Chapter 47, Statutes of 1944 (Fourth Extraordinary Session), and any amendments thereto.*†

1552. Subject to the provisions of the act, the following terms are defined as follows:

(a) **"Application"** (for Plan Preparation Reimbursement for Public Works Project) or "Request" (for Acquisition Aid for Right-of-Way or Site). Forms supplied by Director of Finance properly completed and signed by the authorized agent on behalf of a local agency, together with such resolutions, plans, specifications and information as may be required to accompany said forms.

(b) **"Authorized Agent."** The individual appointed and authorized by resolution or ordinance of the local agency to represent the local agency in all matters pertaining to the act other than those requiring action by the governing body.

(c) **"Board."** The Postwar Public Works Review Board as created by the act.

(d) **"Field Surveys."** Investigations, surveys and reports essential to:

(1) Preparation of plans and specifications;

(2) Estimates of cost;

(3) Acquisition of rights-of-way and sites.

(e) **"Local Agency."** Any county, city and county or city of the State, or an assignee of a local agency under Section 29 of the act.

*† For statutory and source citations, see note to §1550.

(f) **"Plans."** Engineering field surveys and engineering or architectural designs, working and detailed drawings, specifications, and detailed estimates of construction costs based thereon.

(g) **"Specific Project."** Includes new construction, modification and alterations (but does not include ordinary repair and maintenance) of public buildings, highways, streets, bridges and other street and highway structures, and publicly owned and operated facilities, including but not limited to sewage treatment and disposal plants and sanitary facilities, airports, and existing water supply systems, proposed to be undertaken by local agencies in accordance with the purposes of this act. Except as to public utilities specifically mentioned in this subdivision, "specific project" does not include the construction, acquisition, extension of or addition to public utilities as defined in the Public Utilities Act. A specific project may include a group of related items which are included in one set of plans and specifications.*†

Article 2. General Provisions

1558. All applications or requests for allotments under the act shall be addressed to and filed with the Director of Finance, State Capitol, Sacramento, California. As to any applications or requests received by the director which require consideration, action or approval by the board, he shall present the same to the board.*†

1559. Plans, maps, plats, specifications and estimates to be prepared under the act for a specific project shall be in accordance with the best standards of practice of the profession or professions involved, viz., the American Institute of Architects, the American Society of Civil Engineers, the American Society of Mechanical Engineers, etc.*†

1560. All applicable laws and regulations concerning (a) plans and construction of a specific project or (b) the acquisition of rights-of-way or sites, shall be observed.*†

1561. Each application for plans preparation or request for an allotment for acquisition aid for rights-of-way or sites must be fully completed and must be accompanied by a complete list or statement of local agency's postwar public works program and arranged, if possible, in order of the relative importance of each of the projects included within the program.*†

1562. Upon request of the board, the Director of Finance or the State Controller, local agency shall supply progress reports and such other information as may be required from time to time in administering the provisions of the act.*†

1563. All payments to be made by the State, in paying its share of the cost of an acquisition or of plans, will be made in the name of local agency.*†

1564. Under extraordinary circumstances and where there is a special State interest, if local agency desires to apply to the board, under Section 25.3 of the act, requesting that more than one-half of the cost

*† For statutory and source citations, see note to §1550.

GENERAL PROVISIONS
CALIFORNIA ADMINISTRATIVE CODE

General Preface

The California Administrative Code (Cal. Adm. Code) is a loose-leaf compilation, published by the Division of Administrative Procedure of the State of California. It contains the rules and regulations of State departments and agencies filed with the Secretary of State pursuant to the Administrative Procedure Act. (Government Code, Section 11370, et seq.) The California Administrative Register (Cal. Adm. Reg.) is a periodic supplement to the Code which contains all new regulations, amended regulations and orders repealing regulations. The Register is published weekly and includes all regulations filed with the Secretary of State during the preceding week. The Register is printed in loose-leaf form so that its pages may be inserted in proper sequence into the Code, which may thus be kept up-to-date at all times. The loose-leaf system is used, not only because it enables the subscriber to keep his set current, but also because it permits the furnishing of portions of the Code to those interested in particular titles.

The Code and Register are furnished currently by the State to the county clerk of each county and are available in many of the larger law libraries. The courts are required to take judicial notice of the contents of the Code and Register which, it is presumed by law, state the accurate and official text of any regulation printed therein. (Government Code, Section 11384.)

The first provision in California for the filing of administrative rules and regulations with the Secretary of State and for their compilation and publication was made by Statutes of 1941, Chapter 628. This statute, which took effect on September 13, 1941, required all State agencies to compile their effective regulations and to file them with the Secretary of State on or before March 12, 1942. The statute also created the Codification Board and charged it with the duty of publishing the compiled regulations, but made no appropriation for the work. Chapter 1060 of the Statutes of 1943 made an appropriation for the publishing of the compiled regulations and provided for the sale of the Code and Register to the public. On November 1, 1944, a plan of codification consisting of 23 titles, with chapters, subchapters and articles, was adopted by the Codification Board and the first publication thereunder was made on March 22, 1945. Under the authority vested in it (as modified by Statutes of 1945, Chapters 111 and 1334), the Codification Board published additional titles of the Code from time to time and published nine issues of the California Administrative Register. (Register 1—May 15, 1945, Register 2—November 16, 1945, Register 3—May 15, 1946, Register 4—July 15, 1946, Register 5—October 15, 1946, Register 6—January 15, 1947, Register 7—April 15, 1947, Register 8—July 15, 1947 and Register 9—September 18, 1947.)

The Codification Board's major task, that of compilation and codification, having been completed, its functions were transferred to the Division of Administrative Procedure by Chapter 1425 of the Statutes of 1947. Both the Code and the Register may be purchased (in whole or in part) from the Documents Section of the Printing Division, Department of Finance, 11th and O Sts., Sacramento 14.

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Revision filed October 23, 1947

CHAPTER 1. DIVISION OF ADMINISTRATIVE PROCEDURE

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2. Preparation of Regulations for Filing
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Article 1. General

1. General. The principal office of the Division is located at 174 Business and Professions Building, 1020 N Street, Sacramento 14. Branch offices are located at 906 California State Building, Los Angeles 12 and at Room 103, 507 Polk Street, San Francisco 2. Correspondence should be addressed to the Division's Sacramento office and directed to the attention of: Codification Officer, Division of Administrative Procedure.

NOTE—§§1 to 29, inclusive, issued under authority contained in Government Code, Section 11409 (b).

History: 1. Title originally published 3-22-45 (Title 1).
2. Revision filed 10-23-47 as an emergency (Register 10, No. 1).

2. The regulations contained in this chapter are applicable to all matter filed with the Secretary of State and published pursuant to the Administrative Procedure Act on and after the effective date of Chapter 1425 of the Statutes of 1947, September 19, 1947.

3. For the purpose of the regulations contained in this chapter, the term "Division" means the Division of Administrative Procedure in the Department of Professional and Vocational Standards; the term "Code" means the California Administrative Code; and the term "Register" means the California Administrative Register.

4. For the purpose of the regulations contained in this chapter, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.

5. In referring to the Code, the following short form of citation may be used: Cal. Adm. Code. Where reference is made to a particular section of a given title of the Code, a form of citation may be used which gives the title number referred to, the short form reference to the Code, and the section number. Thus, 2 Cal. Adm. Code 260 refers to Section 260 of Title 2 of the Code. Where reference is made to a particular issue of the Register, the following short form of citation may be used: Cal. Adm. Reg. 10, No. 1.

6. Title, division, chapter, subchapter, group, article, and section headings contained in the Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of the Code.

Article 2. Preparation of Regulations for Filing

10. Preparation of Regulations for Filing. A new regulation adopted by a State agency after its regulations have been published in the Code shall be in the general form of a new section to be added to the Code and shall indicate the number of the new section and the title of the Code in which the agency desires such section to be added.

11. An amendment to a regulation which is adopted by a state agency after the publication of such regulation in the Code shall reenact and set forth at length the appropriate section of the Code as amended.

12. An order of repeal of a regulation adopted by a State agency after the publication of such regulation in the Code shall make reference to the appropriate section and title of the Code which is repealed.

13. The Division may, in order to preserve the uniformity of the Code, change the numbering of any regulation filed by any State agency in which event the Division shall notify the agency involved concerning such change. Where an agency desires to secure an advance commitment from the Division as to the numbering of any proposed regulation, including title, chapter, subchapter, article and group numbering, it may submit a draft thereof to the Division prior to filing such regulations with the Secretary of State. The draft shall bear the numbering desired by the agency. The Chief of the Division shall return the draft which is submitted, together with his written statement which shall either approve the numbering which has been suggested by the agency or shall indicate the changes which he deems necessary to preserve the uniformity of the Code.

14. Except where a blanket citation is used as provided in Section 15 hereof, the citation of authority required by Government Code, Section 11380 (c), shall be inserted at the end of each section.

15. Where two or more sections have identical citations of authority, a blanket citation shall be inserted at the end of the first section of the series which the citation covers, as follows: "Sections _____ to _____, inclusive, issued under authority contained in _____ Code, Section _____." Where the majority of a group of sections have identical citations of authority, but certain sections have a different citation of authority, a blanket citation may be inserted at the end of the first section of the series which the citation covers, as follows: "Section _____ to _____, inclusive (with the exceptions cited in parentheses following sections affected), issued under authority contained in _____ Code, Section _____."

16. The certification required by Government Code, Section 11380, shall be made by an officer thereunto duly authorized, and shall be in substantially the following form:

Certified to be a true copy of a _____
(Regulation or order of repeal)
of the _____, which was duly adopted
(Insert name of state agency)
on the _____ day of _____, 19___.

(Name of state agency)

(Signature of officer)

(Title of officer)

(Seal, if any)

(Date)

Said certification may be made on a slip attached to the copy which is certified, or it may be added at the end of the copy which is certified.

Article 3. Voluntary Filing of Regulations

20. Voluntary Filing of Regulations. A regulation or order of repeal filed with the Secretary of State pursuant to Government Code, Section 11385, shall be prepared in accordance with this chapter and shall be filed in manner provided for filings made pursuant to Government Code, Section 11380. No such regulation or order of repeal shall be accepted for filing unless the certified copy thereof has been submitted in advance to the Division and bears the endorsed approval of the Chief of the Division.

Article 4. Printing and Indexing of Code

25. Printing and Indexing of Code. The Code and Register shall be printed in looseleaf form, and the Register shall be printed in complete pages so that it may be inserted into the Code periodically and the Code may be kept current.

26. The Code and Register shall carry a citation of the authority pursuant to which each regulation contained therein was adopted, either as a note to the particular section affected or as a blanket note covering a number of sections. Where the rule-making agency is not easily identifiable from the title, chapter, subchapter, or article headings, a source note shall be aded in the same manner.

27. Each section of the Code shall be covered by a specific history note or a blanket history note indicating the date of original publication in the Code, the filing date of any amendment or order of repeal, and a citations to each issue of the Code or Register in which the section has been printed.*

* Note—If the superseded material from the Code and Register is filed according to the issue in which it appeared, it will be possible by use of such history notes to refer back to the prior language of any regulation published in the Code or Register.

28. Where the Code or Register merely contains a reference to regulations, in accordance with Government Code, Section 11409 (a), such regulations shall not be deemed to have been incorporated by reference into the Code or to have become a part thereof.

29. The Division shall publish an index for the regulations of any agency whose regulations occupy 20 or more printed pages in the Code where such index is prepared and furnished to the Division by such agency and may publish an index for the regulations of any other agency.

For Prescription Scales and Balances.

3312. (a) **Class A Scales and Balances.** The tolerances on the ratio of arms of class A prescription scales and balances, in excess or deficiency, shall be the values shown in Table V. If a scale or balance is equipped with a graduated weighbeam, the tolerance at any graduation on the beam shall be the value of the actual SR of the scale or balance at the load in question.

TABLE V. TOLERANCES ON RATIO OF ARMS OF CLASS A PRESCRIPTION SCALES AND BALANCES

Load[1]		Tolerance on ratio	
Ounces, apoth.	Grams	Grains	Milligrams
½	15	0.2	13
1	30	.4	26
2	60	.8	52
4	120	1.6	104
8	240	3.2	208

[1] The amount of weight on the load-receiving element of the scale.
(If any prescription scale or balance has a smaller capacity than one-half ounce—or 15 grams—the tolerance to be allowed shall be the same proportionate part of 0.2 grain—or 13 mg—that this capacity is of one-half ounce—or 15 grams.)

(b) **Class B Scales and Balances.** The tolerances on the ratio of arms of class B prescription scales and balances, in excess or deficiency, shall be the values shown in Table VI. If a scale or balance is equipped with a graduated weighbeam, the tolerance at any graduation on the beam shall be 0.3 grain or 20 milligrams—unless this value is less than that of the actual SR of the scale at the load in question, in which case the value of this actual SR shall be used as the tolerance at any graduation on the beam.

TABLE VI. TOLERANCES ON RATIO OF ARMS OF CLASS B PRESCRIPTION SCALES AND BALANCES

Load[1]		Tolerance on ratio	
Ounces, apoth.	Grams	Grains	Milligrams
½	15	0.5	30
1	30	1.0	65
2	60	2.0	130
4	120	4.0	260
8	240	8.0	520

*†

[1]The amount of weight on the load-receiving element of the scale.
(If any class B prescription scale or balance has a smaller capacity than one-half ounce—or 15 grams—the tolerance to be allowed shall be the same proportionate part of 0.5 grain—or 30 mg—that this capacity is of one-half ounce—or 15 grams.)

3313. For Person Weighers. For the tolerances on person weighers see Section 3305.*†

3314. For Wheel-load Weighers. The tolerances for wheel-load weighers shall be 5 per cent, in excess or deficiency of the load applied: Provided, however, that the manufacturers' tolerance, or the tolerance for new wheel-load weighers, shall be 3 per cent, in excess or deficiency, of the load applied: And provided further, that this latter tolerance shall

*† For statutory and source citations, see note to §2875.

also be applied to wheel-load weighers which are being retested after having been found incorrect and subsequently adjusted or repaired. When wheel-load weighers are tested in pairs, the tolerance shall be applied to the sum of the indications of the 2 weighers and both shall be approved or condemned upon the sum of their indications; in this case each of the pair of weighers shall be appropriately marked to identify the pair tested together.*†

General Regulations

Lading

3315. (a) **Maximum.** A scale shall not be used for weighing loads greater than its nominal or rated capacity.

(b) **Minimum on Vehicle or Livestock Scales.** A vehicle scale or a scale having a capacity of 6,000 pounds or more and used exclusively in the weighing of livestock shall not be used for weighing loads of less than 1,000 pounds (1939).*†

3316. Straight and Level Approaches. A vehicle scale shall have at least 12 feet of straight driveway at either end of the scale in the same plane as the platform.*†

3317. Balance Condition. A scale shall be maintained in balance.*†

3318. Level Condition. A scale which is portable and which is being used on a counter or table or on the floor shall be maintained in level.*†

3319. Free Suspension. A scale of the hanging type shall be freely suspended when in use.*†

Weight Graduations on Scales

3320. (a) **Food Scales.** The value of the minimum weight graduations on a scale equipped with a weighbeam or reading-face, used in the sale of foodstuffs at retail, shall not exceed 1 ounce: Provided, however, that this shall not apply to a scale used exclusively in the sale of fruits and/or vegetables. *A spring scale not equipped with a device intended to compensate for changes in the elasticity of the springs due to temperature effects, or not so designed as to be substantially independent of such changes, shall not be used in the retail sale of foodstuffs other than fruits and vegetables. (1940)*

(b) **Vehicle Scales.** *The value of the minimum weight graduations on the weighbeam and/or on the reading-face of a vehicle scale having a capacity of not more than 60,000 pounds shall not exceed 20 pounds. (1940)*

(c) **Livestock Scales.** The value of the minimum weight graduations on the weighbeam *and/*or on the reading-face of a livestock scale shall not exceed 5 pounds (1940).*†

*† For statutory and source citations, see note to §2875.

3321. Drainage. Wet fish or other wet commodities shall be weighed only on scales, the pan or platform of which will properly drain.*†

3322. Use of Class B Prescription Scale or Balance. A class B prescription scale or balance shall only be used in a drug store provided with a class A prescription scale or balance, and shall only be used for the weighing of loads of 10 grains or more.*†

3323. Readability of Indication on Person Weighers. A ticket person weigher shall be so maintained in use that all statements or representations of weight printed, stamped, or otherwise transferred on or to the weight ticket during operation shall be clear and distinct.*†

3324. Owner of Person Weigher to be Identified. A person weigher shall be permanently and legibly marked with a statement containing the name and address of the person, firm, or corporation responsible for placing the person weigher in service, in combination with some such words as "Operated by," "Maintained by," etc.: Provided, however, that such statement shall not be required when the person weigher is in service on the premises of such person, firm, or corporation.*†

3325. Lengthening of Scale Platforms. The length of the platform of a vehicle scale shall not be increased beyond the manufacturer's designed dimension except when the modification has been approved by competent scale-engineering authority, preferably that of the engineering department of the manufacturer of the scale, and by the weights and measures authority having jurisdiction over the scale.*†

Article 11. Weights

Specifications

3345. (a) Weights shall be made of steel, iron, brass, or any other metal or alloy of metals not softer than brass: Provided, however, that weights below one-quarter ounce shall not be made of iron or steel, but may be made of aluminum.

(b) Weights shall have smooth surfaces, and no weight representing a value of more than 1 gram, 1 pennyweight, or 1 scruple, shall have sharp points or corners.

(c) Weights shall not be covered with a soft or thick coat of paint or varnish.

(d) All holes in which foreign material is to be placed for adjusting purposes must be of such form that this material will be permanently and securely held in place. In no case shall this adjusting material project beyond the surface of the weight.

(e) Rings on weights shall not be split or removable.

(f) All weights shall be clearly marked with their nominal value and in addition weights intended for use on multiplying lever scales shall be clearly marked with the value they represent when used upon the scale for which they are intended: Provided, however, that the valuation of weights of less than 1 gram, 1 pennyweight, or 1 scruple may be

*† For statutory and source citations, see note to §2875.

indicated by dots, lines, figures, distinctive shape, or other appropriate means.*†

Tolerances

3346. The tolerances to be allowed in excess or deficiency on commercial avoidupois weights shall be the values shown in the following table: Provided, however, that the manufacturers' tolerances or the tolerances to be allowed on new commercial avoirdupois weights shall be one-half of the values given. (1940)

(a) Tolerances for Commercial Avoirdupois Weights

Weight	Tolerance, weights for equal-arm scales	Tolerance, counterpoise weights for multiplying-lever scales
Pounds	Grains	Grains
50	100.0	-----
25	70.0	-----
20	60.0	-----
15	40.0	-----
10	40.0	20.0
8	30.0	18.0
5	25.0	13.0
4	25.0	12.0
3	20.0	10.0
2	15.0	8.0
1	10.0	5.0
Ounces		
10	8.0	4.0
8	7.0	3.0
5	5.0	2.0
4	4.0	2.0
2	3.0	1.0
1	2.0	1.0
½	2.0	1.0
¼	1.0	-----
⅛	.5	-----
1/16	.5	-----
1/32	.5	-----
1/64	.2	-----

The tolerances to be allowed in excess or deficiency on apothecaries' prescription weights shall be the values shown in the 2 following tables: Provided, however, that the manufacturers' tolerances or the tolerances to be allowed on new apothecaries' prescription weights shall be one-half of the values given. (1940)

(b) Tolerances for Prescription Weights in Apothecaries' System

Weight (ounces, Troy)	Tolerance	Weight (ounces, Troy)	Tolerance
12 ounces	4.0 grains	3 drachms	.6 grain
10 ounces	4.0 grains	2 drachms	.5 grain
8 ounces	3.0 grains	1 drachm	.3 grain
5 ounces	3.0 grains	3 scruples	.3 grain
4 ounces	2.0 grains	2 scruples	.25 grain
3 ounces	2.0 grains	1 scruple	.15 grain
2 ounces	2.0 grains	20 grains	.15 grain
1 ounce	1.0 grain	10 grains	.12 grain
8 drachms	1.0 grain	5 grains	.08 grain
6 drachms	1.0 grain	1 grain	.03 grain
4 drachms	.7 grain	.5 grain	.02 grain
		.2 grain	.015 grain
		.1 grain	.01 grain

*† For statutory and source citations, see note to §2875.

3236. A livestock scale is a scale having a capacity of 6000 pounds or more and used primarily for the weighing of livestock on the hoof.*†

3237. A coal mine or tipple scale is a scale used primarily for weighing lots of coal mined by an individual miner and weighed for the purpose of determining the wages to be paid to the miner. (1939) *†

General Specifications

3238. Application. General specifications shall apply to all types and classes of commercial scales, and to other types and classes required to be examined by weights and measures officials, except in so far as these may hereinafter be modified by specific requirements for particular types and classes; they shall also be constructed to apply to other apparatus, such as that used for special purposes, whenever and insofar as they are clearly applicable.

Specifications

(a) **Capacity Marking.** *The nominal capacity shall be conspicuously, clearly, and permanently marked on every scale equipped with unit weights or with which removable weights are intended to be used.*†*

Strength, Permanency, Maintenance of Accuracy

3239. (a) **General.** A scale shall be of such design, construction, and materials that it will support a load of its full nominal capacity without the development of undue stresses or deflections in the parts, and that it may be expected to withstand normal usage without undue impairment of its accuracy or the correct functioning of its operating or indicating parts; it shall be reasonably permanent in its adjustment and shall repeat its weight indications correctly.

(b) **Level-Indicating Device.** *Any scale which is portable and which is designed for use upon a counter or table, and any person weigher, whose weight indications are changed by an amount greater than one-half the tolerance allowed, when set in any position on a surface making an angle of 5 per cent or approximately 3° with the horizontal, shall be equipped with a device which will indicate when the scale is level, and in no case shall any pendulum operating the scale be considered a leveling device. The scale shall be rebalanced at zero each time its position is altered during the test contemplated by this subsection.*

(c) **Stability of Balance Condition.** When the weighbeam or indicator of a scale is displaced from a position of equilibrium to the full extent allowed by the construction of the scale, it shall return to this position after release. When a scale is equipped with a locking device or a relieving device or unit weights, repeated operation of the locking or relieving device or repeated application or removal of unit weights shall not materially affect the balance condition of the scale.

(d) **Interchange or Reversal of Parts.** Scale parts which may readily be interchanged or reversed in the course of normal usage shall be so constructed that their interchange or reversal will not materially

*† For statutory and source citations, see note to §2875.

affect the balance condition or the accuracy of the scale. *Scale parts which are susceptible of interchange or reversal in normal field assembly either shall be so constructed that their interchange or reversal will not materially affect the accuracy of the scale or the parts shall be so marked as to indicate proper positions.*

(e) **Movement of Knife-edges.** Under all operating conditions, proper lines of contact between knife-edges and their opposing bearings shall be maintained or restored. Platform scales having an outside frame around the platform shall be equipped with means which will prevent interference between platform and frame.

(f) **Antifriction Elements.** *At all points at which a live part of the scale mechanism may come into contact with another part of the mechanism in the course of normal usage, frictional effects shall be reduced to a minimum through the agency of suitable antifriction elements; opposing surfaces and points shall be properly shaped, finished, and hardened to accomplish the result required.**†

3240. Balancing Means. A scale shall be provided with a mechanical device or other means by which the balance condition may be adjusted. All loose material used for the balancing of a scale shall be securely enclosed.*†

3241. Device for Adjusting Balance or Level. All mechanical devices for adjusting the balance condition or the level of person weighers and of small-capacity scales except cream-test scales and prescription scales, shall be of such construction that they are operable or accessible only by the use of some tool or device which is outside of and entirely separate from the device in question, such as a screw driver, wrench, etc., but not an adjusting pin.*†

Pivots

3242. (a) **Positioning.** Pivots shall be firmly secured in or to the levers.

(b) **Material and Design.** *Pivots shall be of hardened steel except that agate may be used for prescription scales. Knife-edges shall be sharp and shall bear throughout the entire length designed to be in contact with the opposing bearing.*

(c) **Bearings.** *The entire surface of a bearing which is designed to be in contact with a knife-edge or point pivot shall be smooth and at least as hard as the opposing knife-edge or pivot point. For scales of 5000 pounds capacity or more such bearings shall be made of hardened steel.**†

3243. Nose-Iron. *The proper position of a nose-iron as determined by the factory adjustment, shall be clearly, accurately, and permanently indicated.**†

Weighbeams

3244. (a) **Position.** The normal position of a weighbeam shall be horizontal, and it shall have equal travel above and below this position: Provided, however, that this requirement shall not apply to automatic-indicating scales.

*† For statutory and source citations, see note to §2875.

3103. Air Elimination. (All States other than California). Adequate provision shall be made for preventing the passage of air [or vapor] through the meter. In a gravity-discharge unit, if a mechanical air eliminator or other means, to prevent inaccuracies of measure due to air or vapor in the liquid, be not provided, provision shall be made for preventing a vortex at the point of discharge from the compartment whereby air might be drawn into the line leading to the meter, and the meter shall be so mounted and the piping so arranged that the meter will not be drained of liquid during normal operation and that air will not be trapped in the meter inlet line when a compartment is filled. In a pump-discharge unit, a mechanical air eliminator or other means shall be provided [in such a position that it will effectively prevent the passage of air or vapor through the meter]. This air eliminator or other means shall be considered effective if the provisions of Section 3105 are complied with.*†

3104. Air Elimination. (California only). Adequate provision shall be made for preventing the passage of air or vapor through the meter.

(a) In a gravity-discharge unit, a mechanical air eliminator or other means to prevent inaccuracies of measure due to air or vapor in the liquid shall be provided. Provided, that until January 1, 1940 the provisions of this subsection shall not be applicable to vehicle tanks which were in service on January 1, 1937, and provided, also, that the owners and operators of these vehicle tanks shall assume full responsibility for their use in such manner that full measure will be delivered at all times.

(b) The meter shall be so mounted and the piping so arranged that the meter will not be drained of liquid during normal operation.

(c) In a pump-discharge unit, a mechanical air eliminator, or other means, shall be provided to prevent inaccuracies of measure due to air or vapor in the liquid.

(d) A mechanical air eliminator or other means, shall be considered effective if the provisions of Section 3105 are complied with.*†

3105. Constancy of Delivery.* The amounts delivered shall not vary from the standard by more than the tolerances hereinafter provided.

(a) During continuous or intermittent discharge of liquid;

(b) At all speeds of pump operation; and

(c) When the meter is operated at the maximum rate permitted by the installation, when operation at the rate represented or believed to be normal for the installation, and when operated at a rate approximately one-half the normal rate, or at a rate of approximately 20 gallons per minute, whichever is less.*†

* NOTE.—Meters installed on vehicle tanks should be tested at each of the 3 discharge rates specified. The minimum testing draft shall be 50 gallons.

Tolerances

3107. For Vehicle Tanks Used as Measures. The tolerances to be allowed in excess or deficiency on all vehicle tank compartments which are being tested by the weights and measures official for the first time, to

*† For statutory and source citations, see note to §2875.

verify the accuracy of a capacity marked by a manufacturer or user, shall be the values shown in the column headed "On first test" in the following table. The tolerances to be allowed in excess or deficiency on all subsequent tests made by the official, to verify the accuracy of a marked capacity, shall be the values shown in the column headed "On subsequent test." These tolerances are to be applied to the difference between the actual result of the calibration and the marked capacity of the compartment. Whenever the result of a calibration indicates that the marked capacity of a compartment is not correct within the tolerance to be applied, if the capacity of the compartment is adjustable, then the marking shall be changed in accordance with the provisions of Section 3096, or the result of the calibration shall be taken as the basis of an adjustment and the adjustment shall be so made that the capacity of the compartment agrees as nearly as may be with such marked capacity; if the capacity of the compartment can not be adjusted to agree with the marked capacity, then the marking shall be changed in accordance with the provisions of Section 3096.

Capacity of compartment		Tolerances	
From	Up to and including	On first test	On subsequent test
Gallons	Gallons	Gallons	Gallons
----	175	½	½
175	325	½	1
325	475	¾	1½
475	575	1	2
575	725	1¼	2½
725	875	1½	3
875	975	1¾	3½
975	1,125	2	4
1,125	1,325	2½	5
1,325	1,525	3	6
1,525	1,725	3½	7
1,725	2,050	4	8
2,050	2,550	5	10
2,550	3,050	6	12
3,050	3,550	7	14
3,550	4,050	8	16 *†

3108. For Vehicle Tanks Equipped With Meters. The tolerances to be allowed in excess or deficiency on meters installed on vehicle tanks shall be the same as those specified for liquid-measuring devices of the wholesale type, that is, 1 cubic inch per indicated gallon of delivery with a minimum tolerance of 50 cubic inches, for meters in use, and one-half of these values for new or reconditioned meters.*†

Regulations

3109. (a) If a vehicle tank be damaged, repaired, or modified in any way which might affect the accuracy of measurement of its deliveries, it shall not again be used for measurement until inspected and, if deemed necessary, tested, by the weights and measures official.

(b) When a vehicle tank is used as a measure, the vehicle shall stand upon a level surface during the filling of the compartments; during a delivery, the vehicle shall be so positioned as to insure complete delivery whenever the delivery is such that a compartment should be completely emptied. (1938)

*† For statutory and source citations, see note to §2875.

3061. Sensitiveness. *All retail devices shall be so designed and constructed that they can readily be operated to deliver each quantity for which a graduation, stop, overflow pipe, or other indicating means is provided, within the tolerance on such amount hereinafter provided.*

*This specification shall be construed to require that in the case of all devices which have a graduated scale or dial or similar indicating means which at some point or points or at all points constitutes the sole or most sensitive means of determining the amount of liquid discharged, the length on such scale or dial equivalent to the tolerance at any graduation must be readily appreciable when the character of the indicating element and its normal distance from and position in reference to the observer's eye are taken into consideration; the gross, inside cross-sectional area of the measuring chamber shall in no case be less than 75 square inches nor more than 118 square inches and, if cylindrical, the inside diameter of the measuring chamber shall in no case be less than 9.75 inches nor more than 12.25 inches.**†

3062. Return of Indicating Element to Zero. Retail devices shall be so designed and constructed that the indicating elements used to tally sales and deliveries to individual purchasers or to indicate the amount delivered when any portion of the cycle or stroke has been completed, or the total price thereof, shall be returnable readily to a definite and clear zero indication before the next delivery is begun. *Means shall be provided to prevent the indicating element from being returned beyond the zero graduation. The indicating elements may be advanced only by the mechanical operation of the device itself:* "Provided, however, that the device may be cleared by advancing the indicating elements to zero but only when the means employed automatically results either in a movement that can not be interrupted or in an obscuring of the registration, until the zero position is reached."*†

3063. Auxiliary Visible Indicating Devices. *Whenever a retail device of the visible type is so designed and constructed that measured liquid continues to pass through the discharge valve for an appreciable time (3 seconds or more) after the liquid has disappeared from sight in the glass measuring chamber, then the device shall be equipped with an auxiliary visible indicating device, adjacent to the discharge valve and so constructed that it will indicate after the completion of the delivery when any portion of the measured liquid has not been discharged through such valve at the time of the closing thereof; provided, however, that in the case of any nominal delivery which is such that it does not cause the liquid to disappear from the chamber, the time interval mentioned above shall be measured from the time that the liquid apparently ceases to fall in such chamber.*

*Such auxiliary visible indicating device shall be so designed and constructed and so located and disposed that its indication is conspicuous and that, during the operation of the liquid-measuring device, it is clearly visible to and readable by the customer. Whenever an auxiliary visible indicating device designed to indicate drainage of liquid and/or completeness of delivery shall be employed, whether or not it is required by the terms of this specification, it shall comply with all the above requirements.**†

*† For statutory and source citations, see note to §2875.

3064. Time Allowed for Completion of Delivery.* *All retail devices shall be so designed and constructed, or so calibrated, that they will deliver into the discharge line on the delivery side of the discharge valve, within the tolerances hereinafter provided, any nominal quantity which they are designed to deliver, within a period of 10 seconds after the main flow of liquid has ceased.*

The main flow shall be construed to cease, in the case of a device of the piston type, at the completion of the upward stroke of the piston, and in the case of a device of the visible type, at the time of the disappearance of the liquid in the glass measuring chamber; provided, however, that in the case of any nominal delivery which is such that it does not cause the liquid to disappear from the chamber, the time that the liquid apparently ceases to fall in such chamber shall be used in lieu of the time of the disappearance of the liquid; and provided further, that in the case of any retail device equipped with an auxiliary visible indicating device such as is described in Section 3063, any conspicuous change of indication in this device, such as a sudden drop in the level of the liquid, occurring after the major portion of the delivery has been completed, shall be used in lieu of either of the indications mentioned above.

All tests and calibrations shall be made on the basis outlined above, that is, the delivery valve shall be closed, or the operation of the liquid measuring device otherwise discontinued, at the termination of the period of time mentioned above, and the amount which shall then have been delivered shall be taken as the full delivery of the device for the nominal quantity being delivered.†

* NOTE.—This specification shall be limited to apply only to devices when used in the sale of motor fuels.

3065. Computing Charts. *When retail devices are equipped with money-value computing charts these shall be made in accordance with one of the following principles:*

(a) *If the device is so designed and constructed that it purports to compute for one or for a series of unit prices the total price for every delivery within the range of the device, then the device shall be equipped with a value pointer or indicator and value graduation marks and figures; and in any position which the indicator or pointer and the value graduation marks and figures may assume, the total price of the amount delivered shall be clearly, definitely, and correctly indicated. The value graduations shall not exceed 1 cent on all prices per gallon up to and including 30 cents. At any higher price per gallon the value graduations shall not exceed 2 cents; provided, however, that nothing in the above shall be construed to prevent the placing of a special value graduation to represent each 5 cent interval. These special graduations may take the form of dots, staggered graduations, or similar forms. They shall be so placed that their meaning and value may be clearly understood, but they shall not be placed in the space between the regular graduations.*

(b) *If the device is so designed and constructed that it purports automatically to compute only for deliveries corresponding to a definite series of quantity graduations, then one of the following alternatives shall be complied with:*

(1) There shall be a value computation for each quantity graduation throughout the range of the device; or

*† For statutory and source citations, see note to §2875.

(2) No value indications may be exposed to view except at such times that the device registers a quantity indication for which a correct value indication is provided; or

(3) Each value graduation or each column or row of such graduations shall be clearly and conspicuously marked with the quantity graduation to which the value corresponds and the device shall be marked with the character and limitations of the computations made.

All money values corresponding to definite quantity graduations must be mathematically correct except as follows: If the mathematically correct amount includes a fractional part of a cent, the fraction shall be dropped if it is less than one-half, but if the fraction is one-half or more the next higher cent may be shown.†

Additional Specifications Applicable to Wholesale Devices Only

3069. Indication of Delivery. Wholesale devices shall be so designed and constructed that the amount delivered shall be clearly and definitely indicated.*†

3070. Sensitiveness. Wholesale devices shall be so designed and constructed that they can readily be operated to deliver an amount of 50 gallons within the tolerances on such amount hereinafter provided, *and whenever any scale or dial is at some point or points or at all points the sole or most sensitive means of determining the amount of liquid discharged, a volume of 1 gallon shall be represented on such scale or dial by a length of not less than 0.20 inch.*†

3071. Testing Drafts.* In the test of a wholesale device, the minimum testing draft shall be 50 gallons.*†

* NOTE.—In general it is recommended that in the case of wholesale devices having high discharge rates the size of the regular testing draft should be increased to 100 or even several hundred gallons. The greater the discharge rate the more desirable it is to increase the size of the testing drafts.

Tolerances

3073. Except in special tests described above, the tolerances to be allowed in excess or deficiency on all liquid-measuring devices shall be the values shown in the following table; provided, however, that the manufacturers' tolerances or the tolerances on all new liquid-measuring devices shall be one-half of the values given; and provided further, that these latter tolerances shall also be applied to all devices which are being retested after having been found incorrect and subsequently adjusted or repaired.

Retail devices		Wholesale devices
Delivery	Tolerance	Tolerance
Gallons	Cubic inches	
½ or less	2	
1	3	
2	4	One cubic inch per indicated gallon
3	5	(Minimum tolerance 50 cubic inches)
4	6	
5	7	

*†

*† For statutory and source citations, see note to §2875.

Regulations

3074. Plumb and Level Installation. All liquid-measuring devices shall be installed plumb and level, and their installation shall be of such strength and rigidity as to maintain this condition.*†

3075. Suction Head. Any installation of a defined-stroke, piston-type, liquid-measuring device, shall be such that the total suction head will not be sufficient to cause vaporization of the liquid for which the device is used under the highest temperature and lowest barometric pressure likely to occur.*†

3076. Method of Operation. A liquid-measuring device shall be operated in accordance with the method which is obviously indicated by its construction or which is indicated by the manufacturer through the medium of instructions contained on the device itself; if the device is operated in any other manner, then the commercial use of the said device shall be prohibited and it shall be subject to condemnation.*†

3077. Use of Adjustments. No adjustment of the delivery of a defined-stroke liquid-measuring device shall be permitted except that intended to produce a piston displacement per cycle of 231 cubic inches per indicated gallon of delivery. Adjustments of piston displacement to correct for leaks, slippage, excessive length of pipe line, or other defects of the device or of the installation shall not be permitted.*†

3078. Rate of Flow. The installation of a wholesale device shall be such that the rate of flow through the device will not exceed the rated capacity of the device; if necessary to accomplish this result, effective automatic means for flow regulation shall be installed. (1938)*†

3079. Return of Indicating Element to Zero. *Any liquid-measuring device used in making retail deliveries to individual consumers shall conform to the requirements of Section 3062 relative to the return of the indicating element to zero. (1940)*†*

General Note

3080. Conflict of Laws and Regulations. In the above specifications certain items appear which may conflict in certain jurisdictions with present State or local laws or ordinances or regulations of State or local fire marshals or boards of safety. In such cases of conflict an attempt should be made by the weights and measures officials to harmonize the 2 codes, and in the meanwhile it may be found necessary to suspend the enforcement of such specifications.*†

Article 3. Vehicle Tanks

NOTES.—"Specifications Applicable Both to Vehicle Tanks Used as Measures and to Vehicle Tanks Equipped with Meters" shall apply to vehicle tanks either used as measures or equipped with meters. "Additional Specifications Applicable Only to Vehicle Tanks Used as Measures" shall apply to vehicle tanks when the tanks or the compartments thereof are used or to be used as measures to determine the amount of liquid delivered. "Additional Specifications Applicable Only to Vehicle Tanks Equipped with Meters" shall apply to vehicle tanks on which meters are installed to determine the amount of liquid delivered.

*† For statutory and source citations, see note to §2875.

In determining the capacity of a vehicle-tank compartment, water is recommended as the testing medium. In testing the accuracy of a vehicle-tank meter, the testing medium should be liquid of the same character or of approximately the same viscosity as that of the liquid to be commercially measured. Whenever the testing medium is a petroleum product, due care should be exercised to reduce to a minimum, inaccuracies caused by evaporation or by volume change resulting from change of temperature of the liquid.

Definition

3084. Definition. A vehicle tank is an assembly used for the delivery of liquids, comprising a tank, which may or may not be subdivided into 2 or more compartments, mounted upon a wagon, automobile truck, or trailer, together with its accessory piping, valves, meters, etc. The term "compartment" shall be construed to mean the entire tank whenever this is not subdivided; otherwise it shall mean any one of those subdivided portions of the tank which is designed to hold liquid.*†

Specifications Applicable Both to Vehicle Tanks Used as Measures and to Vehicle Tanks Equipped with Meters

3085. Permanence. A vehicle tank shall be so designed and shall be of sufficiently substantial construction that it may reasonably be expected to withstand ordinary usage without impairment of the accuracy of the deliveries made therefrom; the shell and the bulkheads shall be of such construction that they will not become distorted under any condition of liquid lading.*†

3086. Venting means. Each compartment shall be provided with suitable venting means to prevent the formation of air pockets by permitting the escape of air from all parts of the compartment designed to be filled with liquid and to permit the influx of air to the compartment during the process of delivery.*†

3087. Markings. All lettering and figures required under these specifications shall be of such size, design, material, and location, and shall be so applied or affixed, that they will not tend easily to become obliterated or illegible.*†

3088. Fraudulent Construction. All vehicle tanks and all devices designed to be attached thereto and used in connection therewith shall be of such design and construction that they do not facilitate the perpetration of fraud.*†

Additional Specifications Applicable Only to Vehicle Tanks Used as Measures

3089. Fill Openings and Indicators. (All States other than California.) The fill opening shall be of such size that it can readily be determined whether or not the compartment has been properly filled or completely emptied, as the case may be, and that the attachment of the seal can be readily accomplished when such sealing is required by the terms of this specification: *Provided, however, that if the fill opening is circular its effective diameter shall in no case be less than 7⅝ inches, or if other than circular, it shall have an effective area of not less than 45 square inches.* An indicator shall be provided within the fill opening of each compartment; *this indicator shall be permanently attached* and

*† For statutory and source citations, see note to §2875.

shall be located approximately midway between the ends of the compartment. The indicator shall be so designed that it will clearly, distinctly, and unmistakably define the height to which the compartment must be filled in order to contain its marked capacity, *and the change in height of the liquid surface at the index of the indicator equivalent to the volume representing the tolerance on the compartment capacity, shall in no case be less than 0.04 inch.* An adjustable indicator and any removable part to which any indicator may be attached shall be so constructed that it or they can be sealed in place in such a manner that their position can not be changed or that they can not be removed without destroying or mutilating the seal or seals. (1939)*†

3090. Fill Openings and Indicators. (California only). *The minimum dimension of the fill openings shall be as follows: For compartments with a capacity of 100 gallons or less, the fill opening shall be not less than 4 inches, inside diameter, or with an area opening of not less than 12.57 square inches. For compartments with a capacity in excess of 100 gallons and not over 800 gallons, the fill opening shall have a minimum effective diameter of 5⅝ inches, or with a free area opening of not less than 24.85 square inches. For compartments with a capacity in excess of 800 gallons, the fill opening shall be not less than 7⅝ inches, inside diameter, or with a free area opening of not less than 45.66 square inches.*

On any vehicle tank which shall be newly equipped on or after July 1, 1939: For compartments of capacities of 100 gallons or less the inside diameter of the fill opening shall be not less than 4 inches, or the area of the fill opening shall be not less than 12.57 square inches; for compartments with capacities in excess of 100 gallons and not over 800 gallons, the inside diameter of the fill opening shall be not less than 6 inches, or the area of the opening shall be not less than 28.27 square inches; for compartments with capacities in excess of 800 gallons the diameter of the fill opening shall be not less than 8 inches, inside diameter, or an area of not less than 50.27 square inches.

Provided, however, that the fill opening shall be of such shape that it can readily be determined whether or not the compartment has been properly filled or completely emptied, as the case may be, and that the attachment of the seal can be readily accomplished when such sealing is required by the terms of this Section. An indicator shall be provided within the fill opening of each compartment; *this indicator shall be permanently attached to the shell, or dome, or manhole cover plate, or body* and shall be located approximately midway between the ends of the compartment. The indicator shall be so designed that it will clearly, distinctly, and unmistakably define the height to which the compartment must be filled in order to contain its marked capacity, *and the change in height of the liquid surface at the index of the indicator equivalent to the volume representing the tolerance on the compartment capacity, shall in no case be less than 0.04 inch. An adjustable indicator and/or any removable part to which any indicator may be attached shall be so constructed that such indicator and/or such removable part or parts can be sealed in place in such manner that their position can not be changed or that they can not be removed without destroying or mutilating the seal or seals.*

*† For statutory and source citations, see note to §2875.

Provided, however, that nothing in this Section shall prohibit the use of an additional indicator where commodities of substantially different unit weights are carried interchangeably, and that when such second indicator is provided, it shall be clearly identified as provided in Section 3093.*†

3091. Expansion Space. The indicator shall be so positioned that when a compartment is filled to the indicator there will remain an expansion space of not less than 0.75 per cent of the nominal capacity of the compartment.*†

3092. Provision for Complete Delivery. The tank and the delivery piping shall be so designed and constructed and shall be so mounted upon the vehicle that when this is standing upon a level surface complete delivery may be made from any compartment through the delivery faucets or valves whether other compartments are full or empty.*†

3093. Discharge Through Manifold. When 2 or more compartments discharge through a manifold, effective and automatic means shall be provided to prevent the passage of liquid from the manifold into the discharge line from any compartment.*†

3094. Piping. (All States other than California). Vehicle tanks equipped with control or emergency valves shall have such valves at the lowest point of outlet from each compartment and the capacities of such compartments shall be construed as not including the capacity of the piping leading therefrom.*†

3095. Piping. (California only). Vehicle tanks equipped with control or emergency valves shall have such valves at the lowest point of outlet from each compartment and the capacities of such compartment may be determined as including or not including the capacity of the piping leading therefrom. Such marking as is provided for under Section 3096, following, shall indicate whether the measured capacity has been determined as including the capacity of the piping leading therefrom, or as not including the capacity of the piping leading therefrom.*†

3096. Marking of Capacity. Each compartment of a tank shall be plainly and conspicuously marked with a designating letter or figure and each delivery faucet or valve shall be correspondingly marked to indicate the compartment of which it is the outlet. In addition, the tank shall be plainly and conspicuously marked to show the capacity, to the nearest half gallon, of each compartment *and such marking shall indicate that the capacities given are measured to the indicators provided. The latter marking shall be placed adjacent to the faucets or valves.*†

Additional Specifications Applicable Only to Vehicle Tanks Equipped with Meters

3097. Meter Requirement. Meters installed on vehicle tanks shall conform to all applicable requirements of the specifications for liquid-measuring devices of the wholesale type except in so far as these may be modified by the following requirements.*†

*† For statutory and source citations, see note to §2875.

3098. Return of Indicating Element to Zero. *Meters installed on vehicle tanks shall be so designed and constructed that the indicating element used to tally sales and deliveries to individual purchasers or to indicate the amount delivered when any portion of the cycle or stroke has been completed shall be returnable readily to a definite and clear zero indication before the next delivery is begun. Means shall be provided to prevent the indicating element from being returned beyond the zero graduation. The indicating element may be advanced only by the mechanical operation of the device itself: Provided, however, that the device may be cleared by advancing the indicating element, but in this event the indication shall be obscured and remain obscured, until the zero is reached.*

An element designed for predetermining the amount of a delivery to be made shall not be construed to be an indicating element when such predetermining element is clearly differentiated from the indicating elements so that it will not be mistaken therefor. (1938)*†

3099. Location of Meter. The meter shall be so positioned that the indications may be easily and accurately read.*†

3100. Discharge Lines and Delivery Hose. (All States other than California). If the unit be designed for discharge by gravity, the delivery hose shall be as short as practicable and there shall be no shut-off valve at its outlet end. If the unit be designed for discharge by means of a pump, the delivery hose shall be of the wet-hose type with a shut-off valve at its outlet end, and immediately adjacent to this valve there shall be installed a spring-loaded check valve so adjusted that drainage of the hose will automatically be prevented. When 2 or more compartments discharge through a manifold and the discharge lines are equipped with independently operable discharge valves, the construction shall be such that deliveries shall be accurate whether or not more than 1 of the valves are partially or wholly open. (1938)*†

3101. Discharge Lines and Delivery Hose. (California only). If the unit be designed for discharge by gravity, the delivery hose shall be as short as practicable and there shall be no shut-off valve at its outlet end. If the unit be designed to discharge by means of a pump, the delivery hose shall be of the wet-hose type with a shut-off valve at its outlet end, and immediately adjacent to this valve there shall be installed a spring-loaded check valve so adjusted that drainage of the hose will automatically be prevented; provided that this requirement shall not prohibit the use of a pump unit with a dry discharge delivery hose of a length not to exceed 20 feet; and provided also that the owners and operators of these vehicle tanks shall assume full responsibility for their use in such a manner that full measure will be delivered at all times. (1939)*†

3102. Diversion of Measured Liquid. No means shall be provided by which any measured liquid can be diverted from the measuring chamber of the meter or the discharge line therefrom.*†

*† For statutory and source citations, see note to §2875.

mounted and the piping so arranged that the meter will not be drained of liquid during normal operation and that air will not be trapped in the meter inlet when the supply tank is filled. [*In a pump-discharge unit a mechanical air eliminator or other means shall be provided in such a position that it will effectively prevent the passage of air or vapor through the meter.*] (1939)

*The air eliminator or other means shall be considered effective if the provisions of Section 3038 are complied with.**†

3038. Constancy of Delivery. The amounts delivered by any liquid-measuring device shall not vary from the standard by more than the tolerances hereinafter provided:

(a) Irrespective of whether the discharge of liquid is continuous or intermittent,

(b) Irrespective of the speed at which the device is operated, except that when operated considerably faster or slower than normal speed of operation the tolerance shall be applied in deficiency only—that is, the device shall not be deemed to be incorrect by reason of the tolerance in excess being exceeded during such unusual methods of operation—and

(c) Irrespective of the time elapsing between operations, subject to the conditions of the special elapsed-time test described below:

A special elapsed-time test shall be made to determine whether the device is satisfactory with respect to condition (c) above. In order to comply with this test the condition of the device shall be such that the error due safely to the nonuse of the device does not exceed 2 cubic inches per hour in the case of a retail device and 5 cubic inches per hour in the case of a wholesale device; provided, however, that in the case of a new device the permissible errors shall be one-half the value given above.

"Normal speed of operation" shall be construed to mean that range of operating speeds which may reasonably be employed in ordinary commercial usage; in the case of meters used for the purpose of determining the quantity of liquid delivered to an individual purchaser; this shall mean operation within the limits of the discharge rates ordinarily developed under conditions of installation recommended or specified by the manufacturer for the particular type of meter under test, *and all such meters shall be legibly marked to show the maximum discharge rates under normal conditions of installation and the minimum discharge rates*

NOTE.—In the special elapsed-time test described above, allowance shall be made for errors due solely to a change in volume of the contained liquid, resulting from temperature variations alone, since an error of this character is unavoidable in the case of volumetric measurements of this kind when the apparatus is standing unused. This change in volume due to temperature variations is, however, small in amount for all ordinary variations of temperature, amounting in the case of gasoline to about 0.6 per cent for each 10 degrees Fahr. change of temperature, or about 1.1 per cent for each 10 degrees Centigrade change of temperature.

In applying the elapsed-time test outlined above it is recommended that the delivery be not made through a hose, since the amount of gasoline necessary to wet the inside of the hose will cause an additional shortage in the delivery.

All meters encountered in the field should be tested at the maximum discharge rate developed under the conditions of installation actually employed regardless of whether this rate exceeds or is less than the maximum discharge rate marked on the meter, and also either at the rate of 7 gallons per minute for retail devices or at the rate of 20 gallons per minute for wholesale devices, not exceeding 2½ inches in size, or at any lower discharge rate marked by the manufacturer.

*† For statutory and source citations, see note to §2875.

and the maximum working pressures for which they are intended to be used; provided, however, that in lieu of the maximum rate the words "full flow," or similar and suitable words may be used; and provided, further, that in the case of retail devices the value of the minimum rate shall not exceed 7 gallons per minute, and in the case of wholesale devices not exceeding 2½ inches in size, the value of the minimum rate shall not exceed 20 gallons per minute. On meters larger than 2½ inches in size the value of the minimum rate should be governed by the character of use of the meter.†*

3039. Indicating and Registering Parts. Counters, graduated scales and dials, and reading faces, used on liquid-measuring devices to tally sales and deliveries to individual purchasers or to indicate the amount delivered when any portion of the cycle or stroke has been completed, or the unit price or the total price thereof, shall be of such size and style and shall be so located and disposed that they are clearly visible to and readable by the customer from any position which he may reasonably be expected to assume; *in the case of a retail device this position shall be construed to mean any position within a field of 120 degrees, defined by 2 vertical planes each at an angle of 30 degrees with the counter, graduated scale or dial, or reading face, and passing through the center thereof.* The graduations shall be of such character and arrangement that the major ones *are more prominent than and* are clearly distinguishable from the minor ones. *In all types of liquid-measuring devices which have a graduated scale which at some point or points or at all points constitutes the sole or most sensitive means of determining the amount of liquid discharged, the width of the graduation marks shall not exceed 0.04 inch.*†*

3040. Means for Display of Proper Unit Price. *A liquid-measuring device in which is incorporated a computing mechanism which indicates the total price of the amount of commodity delivered, for one of a series of unit prices, shall also be equipped with a unit price mechanism by means of which the unit price at which the total price is being computed at any time shall be displayed on each face of the device.*†*

3041. Pointers and Indicators. All pointers and indicators which when used in conjunction with a graduated scale or dial indicate the amount of liquid discharged or the money value of the delivery at a predetermined price per unit of volume, shall be so shaped that a correct and accurate reading is given.

Pointers and indicators are required to be symmetrical about the graduation lines at which they may stand; provided, however, that in the case of pointers and indicators used in connection with straight scales having nonparallel graduation lines and in respect to the nonhorizontal lines on such scales, this requirement shall be waived if the pointers and indicators are so designed and constructed that as the pointer or indicator approaches the correct indicating position in respect to any graduation line, only such portion of such graduation line as has not yet been reached by the index of the pointer or indicator or by a horizontal line extended forward from the end thereof shall be exposed to view and all other portions of such graduation line adjacent to the index of the pointer or indicator shall be automatically obscured.

*† For statutory and source citations, see note to §2875.

(b) After weights and measures territory has once been covered, it is customary to consider as "new" all apparatus which is subsequently being tested for the first time by the official, and to apply to such apparatus the manufacturers' tolerances. It is likewise customary to apply the manufacturers' tolerances in many cases when retesting apparatus which has been rejected and which has subsequently been adjusted or repaired, for the same reasons as have been outlined above.

(c) It may also be mentioned that there are certain types of apparatus with respect to which the general principle of loss of accuracy with use does not apply, such as graduated glassware, milk bottles, etc. Therefore, in the tolerances which are given hereafter it will be observed that in certain instances but a single tolerance is specified. Whenever no mention is made of manufacturers' tolerances, it is to be understood that the same tolerance applies to new and to old apparatus.

(d) Where 2 classes of tolerances are specified, the manufacturers' tolerances are one-half the users' tolerances; since the latter will be employed more frequently than the former, the values appearing in the tolerance tables which are given hereafter are the users' tolerances, and the values for the manufacturers' tolerances will be one-half of those given in the tables.*†

3027. Correct and Incorrect Apparatus Defined. A weight or measure or weighing or measuring device which is defined as correct shall be understood and construed to mean only one which conforms to the standard within the tolerance, under the method of test prescribed, and which, in addition, complies with all the specifications applicable to it given in the following pages. All other weights and measures and weighing and measuring devices shall be understood and construed to be incorrect.*†

3028. Apparatus in the Metric System. No specifications contained in the following pages shall be understood or construed to prohibit the sale or use of weights or measures or weighing or measuring devices constructed or graduated in units of the metric system.

The tolerances to be allowed on any weight or measure or weighing or measuring device constructed or graduated in units of the metric system shall be the same as those specified on similar apparatus of an equivalent size or at an equivalent load in the customary system.*†

3029. Specifications printed in Roman type are retroactive, and apply to all apparatus.*†

3030. *Specifications printed in italics are nonretroactive and apply only to apparatus manufactured in or brought into the State after the date of promulgation of the specifications.*†

Article 2. Liquid Measuring Devices

NOTE.—These provisions now embrace both liquid-measuring devices of the retail type and liquid-measuring devices of the wholesale type.

The following specifications, tolerances, and regulations are not to be construed to apply to grease-measuring devices or to water meters.

*† For statutory and source citations, see note to §2875.

3032. Definitions. A mechanically operated liquid-measuring device, hereinafter referred to as a "liquid-measuring device," is a mechanism or machine adapted to measure and deliver liquid by volume.

A liquid-measuring device of the retail type, hereinafter referred to as a "retail device," is a liquid-measuring device which, on account of its design and the character of its primary indicating elements, is obviously intended for retail deliveries to individual consumers. (1940)

A liquid-measuring device of the wholesale type, hereinafter referred to as a "wholesale device," is a liquid-measuring device which, on account of the character of its primary indicating elements, is obviously designed for single deliveries of 100 gallons or more.*†

Specifications Applicable Both to Retail and to Wholesale Devices

3033. Permanence. *All liquid-measuring devices shall be of such design, construction, and materials that they may reasonably be expected to withstand ordinary usage without impairment of the accuracy of their measurement or the correct functioning of their operating or indicating parts.*†*

3034. Plumb and Level Conditions. *All liquid-measuring devices shall be so designed and constructed that they will be in normal operating position when they are in level.*†*

3035. Means to Determine Level. *Liquid-measuring devices, the indications or deliveries of which are changed by an amount greater than one-half the tolerances allowed, when set in any position on a surface making an angle of 5 per cent or approximately 3 degrees with the horizontal, shall be equipped with suitable means by which the level can be determined and established, such as a two-way or a circular level, a plumb bob, leveling lugs, etc.*†*

3036. Units of Delivery. *Liquid-measuring devices shall have the following discharge capacities per stroke or per cycle of the primary indicating elements, and these only: 1 gallon, a multiple of the gallon, two and one-half gallons, or a binary submultiple of the gallon, that is, the quantity obtained by dividing the gallon by the number 2 or a power of the number 2; provided, however, that a device may be constructed to deliver other amounts than the above, corresponding to predetermined money values at a definite price per gallon, but in such cases the device shall be so constructed that the price per gallon at which it is set at any time will be clearly indicated to the customer by automatic means. Fractional parts of a gallon may be indicated in terms of decimal or binary submultiple subdivisions. In the case of a wholesale device, the value of the smallest unit of indicated delivery shall not exceed one gallon.*†*

3037. Prevention of Registration of Air. *In any installation of a meter-type liquid-measuring device, adequate means shall be provided for preventing the passage of air or vapor through the meter. When gravity discharge is employed, if a mechanical air eliminator or other means to prevent inaccuracies of measure due to air or vapor in the liquid be not provided, provision shall be made for preventing a vortex at the point of discharge from the supply tank whereby air might be drawn into the line leading to the meter, and the meter shall be so*

*† For statutory and source citations, see note to §2875.

CHAPTER 8. BUREAU OF WEIGHTS AND MEASURES, DEPARTMENT OF AGRICULTURE

SUBCHAPTER 1. PETROLEUM SALES (No Rules Filed)
SUBCHAPTER 2. STANDARDS OF WEIGHTS AND MEASURES
SUBCHAPTER 3. TERMINAL WEIGHING FEES
SUBCHAPTER 4. TOLERANCES AND SPECIFICATIONS FOR COMMERCIAL WEIGHING AND MEASURING DEVICES

Printed March 22, 1945

SUBCHAPTER 2. STANDARDS OF WEIGHTS AND MEASURES

Article
1. Standards of Weights and Measures
2. Tare Weights
Article
3. Tolerances
4. Weighmaster, Public

Article 1. Standards of Weights and Measures

2875. Berries in Containers. Net weight.

(a) Blackberries—
12 ounces minimum contents (pint 33.6 cubic inches).
Tolerance 2 ounces in excess.
8 ounces minimum contents (one-half pint 16.8 cubic inches).
Tolerance 1 ounce in excess.

(b) Boysenberries—
12 ounces minimum contents (pint 33.6 cubic inches).
Tolerance 2 ounces in excess.
8 ounces minimum contents (one-half pint 16.8 cubic inches).
Tolerance 1 ounce in excess.

(c) Loganberries—
12 ounces minimum contents (pint 33.6 cubic inches).
Tolerance 2 ounces in excess.
8 ounces minimum contents (one-half pint 16.8 cubic inches).
Tolerance 1 ounce in excess.

(d) Raspberries—
8 ounces minimum contents (one-half pint 16.8 cubic inches).
Tolerance 1 ounce in excess.

(e) Strawberries—
12 ounces minimum contents (pint 33.6 cubic inches).
Tolerance 2 ounces in excess.

(f) Youngberries—
12 ounces minimum contents (pint 33.6 cubic inches).
Tolerance 2 ounces in excess.
8 ounces minimum contents (one-half pint 16.8 cubic inches).
Tolerance 1 ounce in excess.

(g) Berry boxes shall not have a false bottom or be so constructed as to facilitate deception or fraud.

NOTE.—§§2875 to 3386, inclusive, issued under the authority contained in Sections 12012, 12027, 12100, 12104, 12107, and 12107.5, of the Business and Professions Code. The source of §§2875 to 3386, inclusive, is the Rules and Regulations (including Commodity Net Weight and Measure Standards and Tolerances and Specifications) of the Director of Agriculture.

2876. Butter in Containers. The standard net weight of butter (when sold, offered or exposed for sale) in paper wrappings, paper containers or cartons is hereby fixed to be one-quarter pound, one-half pound, one pound, or two pounds, net standard avoirdupois weight.

The inspection of the weight of butter shall be made on the premises of the person holding a permit as a "cutter" or as a wrapper," or as a butter "distributor," as defined in Section 529, Article 5, Butter, Chapter 2, Division 4, Agriculture Code of the State of California, or on the premises of the retail store from which the butter is sold, offered or exposed for sale.

There shall be no tolerance for deficiency in weight.*† Filed 2-25-47)

2877. Repealed. (Effective 9-1-45)

2878. Mill Products:

(a) Standards of net weight. The following standards of net weight are hereby fixed and established as the standards of net weight for the mill products herein mentioned when these commodities are packaged in sacks or in other containers:

(1) Rolled oats } (Pure or Blended)
Oat meal } One bbl. shall contain 180 lbs. net weight
½ bbl. shall contain 90 lbs. net weight
¼ bbl. shall contain 45 lbs. net weight
⅛ bbl. shall contain 22½ lbs. net weight
1/20 bbl. shall contain 9 lbs. net weight
1/40 bbl. shall contain 4½ lbs. net weight

(2) Pancake flour One bbl. shall contain 196 lbs. net weight
½ bbl. shall contain 98 lbs. net weight
¼ bbl. shall contain 49 lbs. net weight
⅛ bbl. shall contain 24½ lbs. net weight
1/20 bbl. shall contain 9.8 lbs. net weight
1/40 bbl. shall contain 4 lbs. net weight

(3) Rye flour } One bbl. shall contain 196 lbs. net weight
Rye meal } ½ bbl. shall contain 98 lbs. net weight
¼ bbl. shall contain 49 lbs. net weight
⅛ bbl. shall contain 24½ lbs. net weight
1/20 bbl. shall contain 9.8 lbs. net weight
1/40 bbl. shall contain 4.9 lbs. net weight

(4) Buckwheat } One bbl. shall contain 200 lbs. net weight
flour } ½ bbl. shall contain 100 lbs. net weight
¼ bbl. shall contain 50 lbs. net weight
⅛ bbl. shall contain 25 lbs. net weight
1/20 bbl. shall contain 10 lbs. net weight
1/40 bbl. shall contain 5 lbs. net weight

*† For statutory and source citations, see note to §2875.

Printed March 22, 1945

CHAPTER 6. OUTDOOR ADVERTISERS, DEPARTMENT OF PUBLIC WORKS

Article 1. General

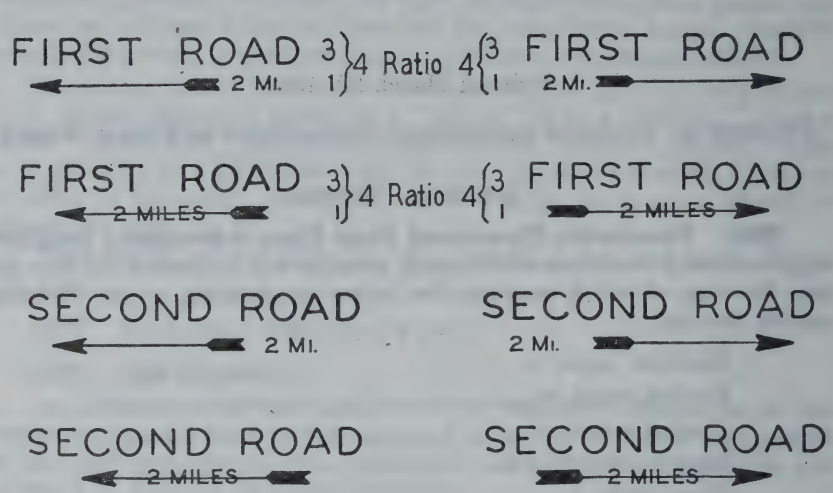
2250. Permissible Directional Copy Upon Advertising Displays. Applications for outdoor advertising permits will be denied for any display the copy of which contains the following phrasing or any phrasing similar thereto:

Shortest route to_____
Fastest route to_____
Coolest route to_____
Most scenic route to_____
Turn right to_____
Turn left to_____
Straight ahead to_____
Direct to_____
Stop for_____
Slow down for_____

(Such advertising displays also come within the purview of Section 473 of the Vehicle Code.)

Attached hereto are three prints indicating permissible copy for advertising displays which may serve to indicate administrative interpretation of the applicable statutes.

NOTE—2250 to 2253, inclusive, issued under authority contained in Section 5215, Business and Professions Code. The source of §§2250 to 2253, inclusive, is the rules and regulations of the Director of the Department of Public Works, Outdoor Advertisers Act.



PERMISSIBLE DIRECTIONAL DATA UPON OUTDOOR ADVERTISING SIGNS UNDER THE TERMS OF THE OUTDOOR ADVERTISING ACT

Arrows to be in a ratio of 1:3 as shown and directional data of this nature, wording and arrows together, should not occupy more than one-twelfth of entire copy or advertising space. Arrow alone may occupy same space.

In all cases directional data should appear at the bottom of the display and be distinctly secondary to other copy.

Mileage to resorts and similar places of business, but not to cities or towns, may be shown upon or after the arrow in the same proportion as the arrow.

WORDS OR PHRASING SIMILAR TO: "STOP, TURN, TURN HERE, SLOW, SLOW DOWN, TURN RIGHT, TURN LEFT, STRAIGHT AHEAD," OR COMPARISONS OF ROUTES ARE IN VIOLATION OF SECTION 473 OF THE VEHICLE CODE WHICH READS IN PART AS FOLLOWS:-

"(a) NO PERSON SHALL PLACE, MAINTAIN OR DISPLAY UPON, OR IN VIEW OF, ANY HIGHWAY ANY UNOFFICIAL SIGN SIGNAL OR DEVICE OR ANY SIGN SIGNAL OR DEVICE WHICH PURPORTS TO BE OR IS AN IMITATION OF OR RESEMBLES AN OFFICAL TRAFFIC SIGN OR SIGNAL OR WHICH ATTEMPTS TO DIRECT THE MOVEMENT OF TRAFFIC OR WHICH HIDES FROM VIEW ANY OFFICIAL TRAFFIC SIGN OR SIGNAL."

"(c) EVERY SUCH PROHIBITED SIGN, SIGNAL, DEVICE OR LIGHT IS A PUBLIC NUISANCE AND THE STATE DEPARTMENT OF PUBLIC WORKS, MEMBERS OF THE CALIFORNIA HIGHWAY PATROL AND LOCAL AUTHORITIES ARE HEREBY AUTHORIZED AND EMPOWERED WITHOUT NOTICE TO REMOVE THE SAME, OR CAUSE THE SAME TO BE REMOVED, OR THE DIRECTOR OF SAID DEPARTMENT, THE CHIEF OF SAID PATROL, OR LOCAL AUTHORITIES MAY BRING AN ACTION AS PROVIDED BY LAW TO ABATE SUCH NUISANCE."

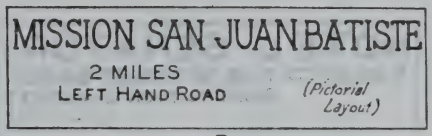
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NO. 1 (REVISED) APR. 8, 1946

PRINT NO. 2.
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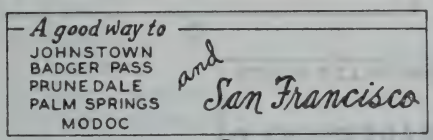


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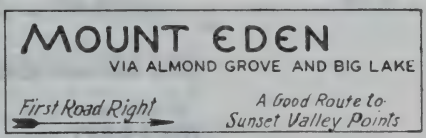


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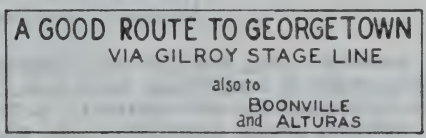
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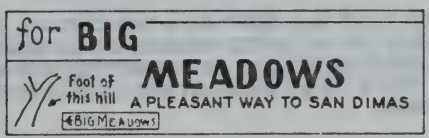
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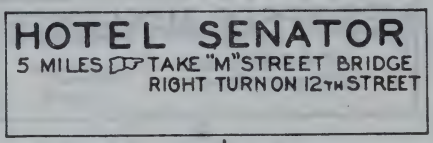
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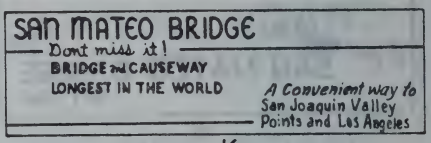
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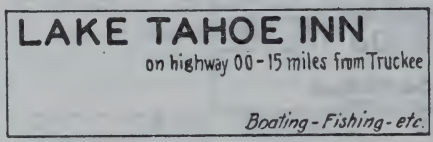
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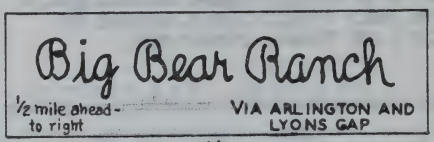
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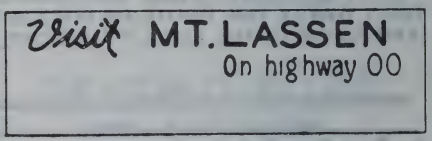
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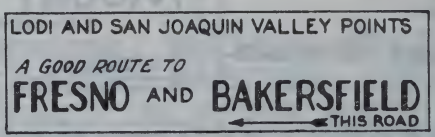
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SAMPLES J,K,L,M,N,O,P AND VARIATIONS THEREOF ARE PERMISSIBLE, BUT INCLUSION OF ADDITIONAL DATA SHALL CONFORM TO REGULATIONS SET FORTH IN CONJUNCTION WITH SAMPLES A TO H.

ARROWS SHALL CONFORM IN ALL CASES TO REGULATIONS OUTLINED ON PRINT NO.1.

IT IS RECOMMENDED THAT ALL COPY OF A DIRECTIONAL CHARACTER TO BE PLACED ON STRUCTURES OR INCLUDED IN SIGNS WHICH COME WITHIN THE SCOPE OF THE OUTDOOR ADVERTISING ACT BE SUBMITTED FOR REVIEW AND AN OPINION OBTAINED PRIOR TO AUTHORIZATION TO PRINTERS OR PAINTERS TO UNDERTAKE THE WORK.

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OUTDOOR ADVERTISING SECTION
JAN.-1939.

CHAPTER 2. ATHLETIC COMMISSION

STATE OF CALIFORNIA

SUBCHAPTER 1. PROFESSIONAL BOXING RULES
SUBCHAPTER 2. AMATEUR BOXING RULES
SUBCHAPTER 3. WRESTLING RULES

Printed March 22, 1945

SUBCHAPTER 1. PROFESSIONAL BOXING RULES

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Professional Boxing Rules

NOTE.—For the purposes of brevity in the following rules, the word "club" will be used to designate and mean to include any person, club, corporation, organization or association licensed under the act to conduct, hold or give professional boxing matches or exhibitions.

"Commission" means the State Athletic Commission of California.

"Purse" means the prize, percentage or other remuneration for which the contestants are competing.

Article 1. Boxing Weights and Classes

225.

Flyweight	112 pounds or under
Bantamweight	over 112 to 118 pounds
Featherweight	over 118 to 126 pounds
Lightweight	over 126 to 135 pounds
Welterweight	over 135 to 147 pounds
Middleweight	over 147 to 160 pounds
Light heavyweight	over 160 to 175 pounds
Heavyweight	all over 175 pounds

No contests shall be scheduled, and no contestants shall engage in a boxing contest where the weight difference exceeds the allowance as shown in the following schedule, without the written approval of the Commission:

112 lbs.-118 lbs. not more than 3 lbs.
118 lbs.-126 lbs. not more than 5 lbs.
126 lbs.-135 lbs. not more than 7 lbs.
135 lbs.-147 lbs. not more than 9 lbs.
147 lbs.-160 lbs. not more than 11 lbs.
160 lbs.-175 lbs. not more than 12 lbs.
175 lbs. and over, no limit.

NOTE.—§§225 to 583, inclusive, issued under the authority contained in Section 18624 of the Business and Professions Code. The source of §§225 to 583, inclusive, is the Rules and Regulations of the State Athletic Commission.

Article 2. Weighing Time

228. Contestants shall be weighed at 2 p.m. of the day of the scheduled match in the presence of each other, a Commission inspector and an official of the club, on club scales or other scales approved by the Commission at such place or places as may be designated from time to time. The actual weight of each contestant shall be recorded on a card and presented to the referee over the signature of the inspector. By special agreement the weighing may be done in the dressing room of the arena in the presence of a Commission inspector before entering the ring. All weights stripped.

Should an afternoon show be scheduled, the weighing-in time shall be 10 a.m. and in accordance with the rules covering evening shows.*†

229. At the official weighing-in of all contestants duly accredited newspaper representatives must, upon request, be admitted.*†

Article 3. Equipment

232. Ring. To be not less than 16 feet square nor more than 24 feet square within the ropes. The ring floor shall extend beyond the ropes not less than 18 inches. The ring posts shall not be closer than 18 inches to the ring ropes. The ring floor shall be padded with felt, corrugated paper, matting or other soft material to a thickness of not less than one inch. Padding must extend beyond the ring ropes and over the edge of the platform, with a top covering of canvas, duck or

*† For statutory and source citations, see note to §225.

similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges must not be used.*†

233. Height of Ring. Ring platform shall not be more than four feet above the floor of the building, and shall be provided with suitable steps for use of contestants. Ring posts shall be of metal, not more than three inches in diameter, extending from floor of building to height of 58 inches above ring floor, and shall be properly padded.*†

234. Ring Ropes. Ring ropes shall be three in number, not less than one inch in diameter; the lower rope 18 inches above ring floor, the second rope 35 inches above floor, the third rope 52 inches above floor. Ropes shall be wrapped in soft material.*†

235. Gong or Bell. Gong or bell must not be less than 10 inches in diameter, adjusted securely on a level with the ring platform. The timer shall use a metal hammer to indicate the beginning and ending of rounds, so that the contestants can hear the sound of the bell or gong.

Clubs must furnish either an electrically or manually operated system of announcing rounds to the spectators.

The timekeeper's chair must be on a raised platform, not less than nine inches above the level of the press row, and high enough to give him a clear view of the ring. It shall be railed on each side at a width sufficient to give him room for unobstructed movement in the performance of his duties.*†

236. Obstructions. The entire ring platform shall be cleared of all obstructions, including buckets, stools, etc., the instant the gong indicates the beginning of a round, and none of these articles shall be placed on the ring floor until the gong has ended the round.*†

237. Gloves. Gloves shall be examined by the inspector and the referee. If padding is found to be misplaced or lumpy, or if gloves are found to be imperfect, they shall be changed before the contest starts.*†

238. No breaking, roughing or twisting of gloves shall be permitted.*†

239. Gloves for all main events shall be new, and furnished by club management.*†

240. (a) If gloves used in preliminary bouts have been used before, they must be whole, clean and in sanitary condition and subject to inspection by the referee or inspectors as to condition, and if found to be unfit shall be immediately discarded and replaced with gloves meeting the requirements hereof.

(b) All clubs must have on hand an extra set of five ounce and an extra set of six ounce gloves to be used in case gloves are broken or in any way damaged during the course of a bout.*†

241. Each contestant shall wear gloves weighing not less than five ounces, if such contestant weighs in ring attire 147 pounds or less, and six ounces if such contestant weighs more than 147 pounds.*†

*† For statutory and source citations, see note to §225.

242. Gloves for the main event must be put on in the ring after the referee has first inspected the bandaged hands of both contestants.*†

243. Bandages. Bandages shall not exceed the following restrictions:

One winding of surgeon's adhesive tape not over one and one-half inches wide, placed directly on the hand to protect that part of the hand near the wrist. These may cross the back of the hand twice, but shall not extend within one inch of the knuckles.

Contestants shall use soft surgical bandage not over two inches wide, held in place by not more than two feet of surgeon's adhesive tape for each hand. One ten-yard roll of bandage shall complete the wrappings for each hand.

Bandages shall be adjusted in the dressing room in the presence of both contestants unless otherwise directed by the inspector.*†

244. Water Buckets, etc. There shall be provided by the club a sufficient number of water buckets for the use of all contestants. Clubs shall also provide fans, powdered resin for canvas, stools for seconds, and such other articles as are required in the conducting of contests. A bucket used by a contestant shall not be used again until it has been washed and sterilized.* †

245. Scales. Scales, which must be furnished by the club management, shall be thoroughly tested and approved in writing by an inspector previous to use in connection with any boxing show.*†

Article 4. Bond

248. Must Furnish 100 Per Cent Bond. Every club making application for a boxing or wrestling license must furnish a surety bond to the State Athletic Commission of California in the full amount of the seating capacity of the house, arena, club or park where contests are to be held.

This surety bond is to be conditioned for the payment to the State Athletic Commission of a sum equivalent to the total sale of tickets in any of the following events, viz:

(1) In the event of a failure to hold said main event contest upon the date advertised unless the same is thereafter held at a postponed date with the consent of the Commission;

(2) In the event of a failure to hold said main event contest at any subsequent date fixed by the Commission for the holding thereof. Said sum to be payable within 15 days after default to insure reimbursement to the purchasers of tickets for such contest; provided, however, that the reimbursement of ticket holders be first ordered by the Commission.

However, the Commission may at its discretion accept cash either in whole or in part in lieu of a surety bond. The cash deposit may be made in an amount equivalent to the entire sell-out value of the house or arena, or the club may with the permission of the Commission file a bond with a cash deposit in excess of the bond, the total of the bond and cash to be equivalent to the total sell-out value of the arena.*†

*† For statutory and source citations, see note to §225.

249. Must Furnish 70 Per Cent Bond. Every club making application for a professional boxing or wrestling license must furnish an additional surety bond to the State Athletic Commission for 70 per cent of the capacity of the house. The form of which bond or other undertaking shall be subject to the approval of the Commission. This bond is to guarantee payment, after services have been rendered, of boxers, wrestlers, timekeeper, announcer, club physician and referee or referees, exclusively.

Every surety bond required either by these rules or by law to be furnished to the State Athletic Commission of California must be continuous in form and approved by the Commission.*†

250. Must Advertise. Any club desiring a boxing or wrestling permit must publish in a local daily newspaper for two weeks previous to the filing of its application, or in a weekly newspaper, once a week for two issues of such weekly paper previous to the filing of its application that it intends applying to the State Athletic Commission of California for a boxing or wrestling permit.

At time of filing said application, same must be accompanied by copy of advertisement or notice so run, and an affidavit from the publisher showing proof of publication. This does not apply to a renewal.*†

Article 5. Officials

253. The officials of boxing and wrestling matches shall include a referee, timekeeper, announcer, physician and inspector. The referee, inspector and timekeeper shall be assigned by the Commission. The club may, with the approval of the Commission, select the announcer and physician at boxing contests or exhibitions held under the auspices of the club.*†

Article 6. Referee

256. The chief official of boxing contests shall be the referee, who shall have general supervision over bouts and assume his position in the ring prior to each contest.*†

257. The referee shall, before starting a contest, ascertain from each contestant the name of his chief second, and shall hold said chief second responsible for the conduct of his assistant seconds during the progress of the contest.*†

258. The referee shall call contestants together before each bout for final instructions, at which time each contestant shall be accompanied by his chief second only. The principals after receiving instructions shall shake hands and retire to their corners. They shall not again shake hands until the beginning of the last round.*†

259. At the termination of all boxing bouts which last the scheduled number of rounds the referee shall have the choice of making his decision by either of the following methods:

(1) After both boxers have retired to their respective corners the referee shall walk to the winning boxer's corner and raise the boxer's hand.

*† For statutory and source citations, see note to §225.

(2) At the termination of a boxing bout the referee may immediately after the last bell has sounded raise the winning boxer's hand as a signal that he has won the contest. In case of a draw the referee shall hold both his own hands over his head as a signal that he has declared the contest a draw.*†

260. No persons other than the contestants and the referee may be in the ring during the progress of a round.*†

261. The referee shall inspect the bandages and the gloves and make sure that no foreign substances have been applied to either the gloves or any part of the boxer's head or body to the detriment of an opponent.

Referees must wear oxford gray trousers and shirt, the shirt to have two breast pockets.*†

262. All applicants for a referee's license must first take and successfully pass a written examination given by the Commission, with a minimum grade of 75 per cent before their applications will be considered.

All referees must take an annual physical examination similar to that given to all applicants for boxers' and wrestlers' licenses and they shall be examined before officiating in any contest by the club physician before entering the ring the same as boxers and wrestlers; if such examination indicates the referee is physically or otherwise disabled or incapacitated, such fact should be immediately reported, in writing, by the examining physician to the inspector in charge, who shall take appropriate action to replace such referee.*†

263. The Referee Shall Have Power. The referee shall have the power to stop a contest at any stage if he considers it too one-sided, or if either contestant is in such condition that to continue might subject him to serious injury, and in either case to render a decision.

In cases where a boxer or wrestler shall receive a cut eye or any other injury which the referee may believe shall incapacitate the boxer or wrestler, the referee shall call into the ring the club physician for examination of the boxer or wrestler before the referee shall render his decision in the matter.*†

264. The referee shall stop a contest if in his judgment there is stalling or faking by either or both contestants or if there is collusion affecting the result, in which case he must recommend the purse or purses of the offending boxer or boxers forfeited and paid to the Commission.*†

265. The referee shall penalize any contestant who fouls his opponent during a contest, by charging such contestant with the loss of points, whether such foul or fouls be intentional or unintentional. However, the referee shall use his own discretion in determining the number of points, if any, chargeable against the contestant in each instance, depending upon the severity or harmlessness of the foul and its effect upon the opponent. The referee shall indicate on the official score card supplied by the Athletic Commission the number of points taken away

*† For statutory and source citations, see note to §225.

from a contestant in any and all rounds in which he may find it necessary to charge the contestant with such loss.

Persistent fouling by a contestant requiring cautioning by the referee shall be noted on the referee's score card and called to the attention of the Commission for appropriate punishment.

No contestant may be awarded a contest on a claim of a low blow foul, nor may a contestant lose a decision by reason of a low blow foul. If a contestant falls to the ring floor or otherwise indicates an unwillingness to continue because of a claim of a low blow foul, the contest shall be terminated but no decision shall be rendered, whereupon the referee shall order the purses of both contestants withheld from payment for further action and disposition by the Commission, with a detailed report made by the referee to the Commission, which report shall be handed to the inspector, on duty, immediately at the conclusion of the contest. The Commission shall hold a hearing, giving all persons the right to be heard, at the conclusion of which, the Commission may fine or suspend the guilty party or parties and take such other action as might be warranted under the circumstances.

If, by reason of any other foul committed intentionally during a contest, an opponent shall be rendered incapacitated or unfit to continue, the contest shall be terminated by the referee and such incapacitated contestant shall be declared the winner if, at the termination thereof, he shall actually be ahead on points. The referee shall in such event order the purse of the offending contestant withheld from payment, for disposition by the Commission, and such offender shall be subject to fine, suspension or other punishment, as may be determined by the Commission upon a full hearing thereof.

If the incapacitated opponent referred to in the preceding paragraph shall not be ahead on points, the contest shall, nevertheless, be terminated, no decision shall be rendered by the referee and he shall order the purses of both contestants withheld from payment; a full report shall be made by the referee to the Commission and delivered to the inspector assigned or on duty, and who shall mail such report immediately to the Commission office; a hearing shall be held by the Commission and such disposition of the proceeds of the purses and such fines and penalties and other punishment may be assessed as the Commission in its judgment may deem expedient.

No purse ordered held for investigation can be released except by order of the Commission.

In the event of an unintentional foul other than low blow fouls, rendering an opponent incapacitated or unfit to continue (in the opinion of the referee), the contest shall be terminated, no decision shall be rendered but the referee shall order withheld from payment the purses of both contestants; the referee shall make a full report thereof, as is otherwise indicated herein, and the matter shall be heard by the Commission and be disposed of by them as the Commission may in its judgment deem expedient, including the right on the part of the Commission to order a re-match between the said opponents at some future date, without further payment to them, or either of them.

*† For statutory and source citations, see note to §225.

Referees are hereby required to report to the Commission repeated or persistent intentional or unintentional fouling by any contestant, in which connection the Commission may order a hearing and subject the offending contestant to such punishment as may be appropriate under the circumstances, including a fine or suspension, or both.*†

266. The referee shall use his discretion in deciding any matters that may come up during a contest and are not covered by these rules.*†

267. (a) If an accidental butt occurs during any bout, the referee shall immediately warn the guilty boxer and he may penalize him by a deduction in points for the round; at the same time he shall so notify other contestant; should any such penalty be charged against the boxer guilty of butting it shall be charged at the end of the round in which the butting occurred, and the referee's score card shall be so marked at the conclusion of that round; the referee shall explain in writing on the back of his card the nature and circumstances surrounding the penalty.

(b) If a boxer is accidentally butted in a bout so that he can not continue, the referee shall:

(1) Call the bout a draw if the injured boxer is behind in points, or

(2) Declare the injured boxer the winner if he has a definite lead on points.

This rule applies only to accidental butting. Intentional butting is a foul and shall be penalized as such.*†

268. Referee's Duties. The referee shall not touch the contesting boxers except on failure of either or both to obey the command to "break."*†

269. A contestant who goes down without being struck, and stays down, shall be disqualified and his purse shall be turned over to the Commission for disposition and other appropriate action.*†

270. No contestant shall leave the ring during any one minute rest period between rounds; should any contestant fail or refuse to resume boxing when the gong sounds denoting the commencement of the next succeeding round, the referee shall count out such boxer; if any contestant is physically incapacitated or is unable to continue after the conclusion of any one round, his failure to re-enter after the gong has sounded shall be a token of defeat and the referee shall award the decision to his opponent unless the circumstances indicate to the referee requirement for investigation or other punitive action, in which event the referee shall order withheld either or both purses of each boxer and he shall make a full report containing recommendation to the Commission.*†

271. Should a contestant who is "down" arise before the count of "ten" is reached, and go down again immediately without being struck, the referee shall resume the count where it left off.

(a) If in any boxing contest during the rest period between rounds the referee shall decide that either of the contestants is not able to continue, or if the chief second of either of the contestants shall inform the

*† For statutory and source citations, see note to §225.

referee that his boxer is unable to continue and the referee concurs therein, he shall render his decision before the gong or bell rings and then indicate on his score card that the opponent of the incapacitated boxer is the winner of the contest on a technical knock-out as of the round which has last been finished.

(b) When a boxer resumes boxing after having been knocked or having fallen or slipped to the floor, the referee shall wipe any accumulated rosin from the boxer's gloves with a damp towel.*†

272. The inspector in charge at all boxing shows shall, before the start of each bout, give the referee and judges, when the latter are used, a regulation score card. The referee and judges will score each round of the bout on the cards, sign and return them to the inspector at the conclusion of the bout. The inspector may then show the cards to accredited press representatives and immediately thereafter mail the score cards, with the rest of his reports to the chief inspector.*†

273. Referees shall judge all contests and determine the winner through the use of an acceptable system under which each round shall be tabulated by points, which systems must be approved by the Commission.*†

274. Method of Counting Over a Boxer Who Is Down. When a contestant is knocked down the referee shall order the opponent to retire to the farthest corner of the ring, pointing to the corner, and immediately begin the count over the boxer who is down. He shall audibly announce the passing of the seconds, accompanying the count with motions of his arm, the downward motion indicating the end of each second.

The timekeeper shall stand up and strike with his hammer on the edge of the platform at the end of each second, or by other effective signaling method give the referee the correct one-second intervals for his count.

Should the opponent fail to stay in the farthest corner the referee shall cease counting until he has returned to it, and then go on with the count from the point at which it was interrupted.

If the boxer who is down arises during the count the referee may, if he deems it advisable, step between the contestants long enough to assure himself that the boxer just arisen is in fit condition to continue. If so assured he shall without loss of time order both boxers to go on with the contest. During such intervention by the referee the striking of a blow by either boxer may be ruled "foul."

If the contestant taking the count is still down when the referee calls the count of "ten" the referee shall wave both arms to indicate that he has been knocked out, and shall raise the hand of the opponent as the winner. The referee's count is the official count.

If the round ends during the count the timekeeper shall sound the gong once, thus indicating the termination of the three minute round and that the contestant who is down has not been counted out.*†

275. When Boxer Falls From Ring During Round. A contestant who has been knocked or has fallen through the ropes and over the edge of the ring platform during a contest may be helped back by anyone except his seconds or manager, and the referee will allow a reasonable

*† For statutory and source citations, see note to §225.

time for this return. When on the ring platform outside the ropes the contestant must reenter the ring immediately, when he may either resume the contest or stay down for a count, which in the latter case shall be started by the referee as soon as the fallen contestant is back in the ring.

Should the contestant stall for time outside the ropes the referee shall warn the boxer and then start the count without waiting for him to reenter the ring, and if he is not on his feet in the ring within ten seconds shall declare him "knocked out."

When one boxer has fallen through the ropes the other shall retire to the farthest corner and stay there until the count is completed or his opponent is on his feet in the ring.

A contestant who deliberately wrestles or throws an opponent from the ring, or who hits him when he is partly out of the ring, and prevented by the ropes from assuming a position of defense shall be adjudged guilty of a major foul, and be disqualified, and in addition may be fined by the referee, in his discretion; such fine being subject to approval of the Commission.*†

276. In case of serious injury to a contestant the referee shall be automatically under suspension until investigation by the Commission establishes whether the injury was the result of negligence or incompetence on the part of the referee, or of circumstances not reasonably within his control.*†

277. Any referee failing to familiarize himself with the rules and to properly enforce them is liable to permanent suspension.*†

278. To Submit a Report. The referee of the main event shall submit a report of the entire list of bouts. Any matter involving disregard of the rules or the law must be included in the report and any recommendations relative to fines or suspension of violators of the rules or law. The original must be mailed to the Sacramento office of the Commission, and a copy to the chief inspector at the Commission office in the district in which the show is held, within 24 hours. This must not be neglected.

All referees must fully and explicitly describe the circumstances in which any bout is stopped on account of a technical knock-out. The referee's report must contain the exact reason for his actions in awarding the decision to the winner as a result of a technical knock-out.*†

279. Every referee's attention is hereby called to Section 18747, Article 7, Chapter 2, Division 8, Business and Professions Code, which reads as follows:

"The referee may declare forfeited any prize, remuneration or purse, or any part thereof, belonging to the contestants or one of them, or any part of the gate receipts for which the contestants are competing, if in his judgment the contestant or contestants are not honestly competing."

Every referee is requested to warn competing boxers of his power to hold up the purse or purses, should there be any apparent cause for such warning.*†

*† For statutory and source citations, see note to §225.

280. In any case where the referee decides that the contestants are not honestly competing and that under the law their purses or the purse of either contestant should be forfeited, the *bout must be stopped before the end of the last round, and no decision shall be given.* A contestant earns nothing and shall not be paid for an exhibition or contest in which there is stalling, faking or dishonesty or collusion. The Commission shall have the power, independently of the referee or his decision, to determine the merits of any contest, and take whatever action it considers proper. In any such case the chief inspector, inspector in charge, or Commissioner, may order the purse of the offender held up and forwarded to the Commission for investigation and action. This is a condition an applicant for any license must agree to in the securing of any license in California.

As counting a boxer out, or disqualifying one of the contestants for fouling, is held to be in effect giving a decision, in case the referee decides that one or both the contestants are not honestly competing, and that the knockdown is "a dive" or the foul a prearranged termination of the bout, he *shall not finish the knockdown count or disqualify for fouling or award decision to opponent,* but shall stop the bout and order the purses of both boxers held pending investigation by the Commission, and the announcer or referee shall so inform the audience, particularly, that no decision has been rendered.*†

281. Once given, the referee's decision can not be changed. Should the Commission at any time following the rendering of a decision, determine there was collusion affecting the result of any contest, such decision shall be changed as the Commission may direct.*†

282. Except as hereinafter outlined, any licensee of this Commission who verbally or physically abuses a referee shall be suspended 30 days for a first offense, 60 days for a second offense, and six months for any subsequent offense.*†

283. The Commission shall appoint judges to work in conjunction with referees at boxing contests if and when the Commission feels that the use of judges is necessary and that the interests of boxing will be best served by the appointment and use of judges.

(a) Judges shall be used in connection with any match when the Commission specifically directs their use.

(b) There shall be two judges who shall be appointed by the Commission when judges are used in connection with any match; when judges are used, the referee shall score in the same manner as the judges, and his score shall be included with the score of the judges in determining the winner. The majority opinion shall be conclusive and if there is no majority then the decision shall be a draw.

(c) When judges are used they shall work in the following manner:

(1) The judges shall sit at opposite sides of the ring and shall reach their decision without conferring in any manner with any other official or person.

*† For statutory and source citations, see note to §225.

(2) The judges and the referee shall use a uniform point scoring system approved by the Commission, which system shall be the 11 point Australian system, and shall make out their score cards to the best of their knowledge and ability in accordance with the provisions of that system.

(3) Points for each round shall be awarded immediately after the termination of the round.

(4) In the case of fouls or other infractions of the rules, the referee shall be the sole judge of the number of points to be deducted from the offender's total in any particular round, and the referee shall at the conclusion of each round notify the judges of the number of points to be deducted in accordance with his determination.

(5) When necessary to deduct points because of fouls or other infractions of the rules, the referee shall warn the offender and at the end of the round shall notify both contestants of any penalties which may be assessed against either boxer.

(6) Points deducted for any foul or infraction of the rules shall be deducted in the round in which they occur. No boxer shall be penalized in a later round by virtue of a previous foul or infraction of the rules.

(7) Even rounds shall be shown on the score card by giving each contestant one-half of the total number of points to be awarded in that round.

(8) At the conclusion of the contest, the judges and the referee shall total the points for each contestant on their respective score cards and encircle the name of the winner or draw, as the case may be, sign their cards, and hand them to the announcer who shall announce the winner in the customary manner.

(9) When judges are so used the club shall pay their fees as designated by the Commission.*†

284. Boxing and Wrestling Referees' Fees to Be Paid by Club. Boxing and wrestling referees shall be paid according to the following scales of fees: For shows where the gate receipts less Federal and State tax do not exceed $300, the fee shall be $12.50; for shows where net receipts are more than $300 and less than $400, the fee shall be $15; for shows where net receipts are more than $400 and less than $500, the fee shall be $20; for shows where the net receipts are $500 or between that amount and $2,500 the fee shall be $25; and at shows where the net receipts are more than $2,500 the referee shall be paid 1 per cent of the net receipts. In non-title matches referees' fees shall not exceed $200 but in world championship matches the Commission as a whole shall select the referee and determine his compensation. The club shall pay referee's transportation when a referee from another city or town has been assigned to officiate, transportation to be train or bus fare and return. It is not necessary that clubs provide more than one referee for each show except as hereinafter provided. If a main event referee is ordered by the Commission, or if the Commission is requested by the club to assign a main event referee, such main event referee shall be paid at

*† For statutory and source citations, see note to §225.

the same scale referred to in this rule. Net receipts referred to in this rule shall be gross receipts less Federal and State taxes.

All clubs whose net receipts are $2,500 or more per show shall use two referees in the discretion of the Commission. The referee handling the preliminary bouts shall be paid $25 and the main event referee shall be paid 1 per cent of the net gate receipts, as specified in the present rule, with a minimum of $25. If there are two 10-round bouts or double main events on the card the fees shall be divided between the two referees, and each referee shall work one of the 10-round bouts.*†

285. In charity shows sanctioned by the Commission referees' fees shall be fixed by the Commission.*†

286. Where a club is allowed by the Commission to use a special referee and advertise the presence of such referee as an added attraction to increase the gate receipts the referee's fee may, subject to approval by the Commission, be fixed as a certain sum by agreement between the club and the referee, or at a percentage of the gate receipts that must be submitted to and approved by the Commission and the amount paid the referee must be included in the referee's report to the Commission.*†

287. Any licensed boxing referee shall be admitted to any boxing show, and any licensed wrestling referee shall be admitted to any wrestling show in this State on presentation of his referee's license card. A ticket shall be issued to any referee when he shows his card but the Commission will not collect a tax on any ticket so issued.*†

288. The Commission shall select and assign all referees. The Commission as a whole shall select main event referees for championship contests or contests considered by the Commission to be special events, and set the fee. Licensees do not have the right of selection but may petition the Commission in writing for certain referees, fully stating reasons for such request. Licensees have the right to object to any one referee, if done so in writing at least five days prior to the contest fully stating the reasons for such protest and, if in the judgment of the Commission the protest has merit and is justified, such protest will be upheld. Should such petition be denied, licensees shall abide by the Commission's decision or be liable to indefinite suspension.*†

Article 7. Chief Inspectors

291. The Commission may maintain a State Athletic Commission office in San Francisco for the chief inspector of the northern district, and one in Los Angeles for the chief inspector of the southern district. There shall be no other chief inspectors.*†

292. Duties of the Chief Inspectors. The chief inspectors shall, under the direction of the Commission, select and assign inspectors and referees for all bouts held in their respective districts. A record of all assignments shall be submitted to the Commission by the chief inspectors every 30 days, giving complete data relative to number of shows worked, amounts of money earned, reasons for any inspector or referee not receiving normal share of work, and any other information helpful to the Commission in maintaining proper routine and records. This record shall

*† For statutory and source citations, see note to §225.

be for the confidential information of the Commission and shall not be open for inspection by anyone without the express consent of the Commission.

It is the intention of the Commission to rotate referees and inspectors in assignments, and chief inspectors shall see that this policy is followed. No out-of-town inspectors or referees are to be used unless an emergency require such use. Inspectors living outside the metropolitan districts and permanently assigned to a particular district shall not be used in the metropolitan districts except in cases of emergency and with the approval of the Commission.

The chief inspectors shall have general supervisory powers over his district and all matters pertaining thereto under the direction of the Commission.*†

293. The chief inspectors shall attend to the forwarding of reports to the Secretary of the Commission at Sacramento, prepare reports to the Commission on suspensions, applications for reinstatement, and all other matters that should be referred to the Commission.*†

294. The chief inspectors shall have under their charge the investigation of applicants for licenses for boxers, managers, seconds, matchmakers, referees, timekeepers, club physicians, examining physicians, and announcers. They shall investigate applications for club licenses and report same to the Commission, but shall not issue club licenses. Should a protest be filed in any office of the Commission by any person against the granting of a license to a boxer or wrestler because of age, no ability, being "washed up" or any other legitimate reason, the chief inspectors shall not issue such license but shall refer applicant to the Commission for whatever actions seem fair and equitable, nor shall any chief inspector grant any license to an applicant when any Commissioner requests that any such application be passed upon by the Commission as a whole. They shall not reinstate anyone under suspension or release fines or money held under the law for forfeiture, these being matters for action by the Commission as a whole.*†

295. Chief inspectors have the authority to fine boxers, wrestlers, managers, and seconds for any violations of the law or rules and may recommend suspensions, but such action must be approved by the Commission.*†

296. The Secretary shall include with all notices of suspension a letter to the effect that the suspended party may have an immediate hearing in his case at the office of the chief inspector in whose district he is suspended.*†

297. Fines collected or money held under the law or rules by a chief inspector shall be forwarded to the Secretary of the Commission, with his report, and in all cases such fines or forfeitures or payments withheld by order of the Commission shall be delivered to the Commission's representative in the form of checks made payable to the order of the State Athletic Commission of California.*†

298. Northern district established for convenience in fixing chief inspector's responsibilities: All of California on or north of northern

*† For statutory and source citations, see note to §225.

boundary line of San Luis Obispo, Kern and San Bernardino Counties. Southern district: All south of that line.*†

Article 8. State Inspectors

315. Inspectors shall report directly to the chief inspector of the district and be under his authority.*†

316. Inspectors shall be in charge of all details of the contests that do not come under the jurisdiction of the other officials.*†

317. Inspectors shall see that all necessary equipment is provided, that the contestants are ready on time, that the seconds are properly instructed in their duties, that the doctor's report and the statement of weights are delivered to the referee, and that all regulations pertaining to the proper conduct of the bout are enforced.*†

318. Inspectors shall insist that clubs enforce the rule against gambling.*†

319. Inspectors shall see that all seconds present a neat appearance and are attired according to requirements of the rules.*†

320. The inspector shall make out the referee's report on the form supplied for that purpose and have it ready for him to sign after the show.*†

321. If an unlicensed boxer, wrestler, manager, second, timekeeper, announcer or physician is allowed to work at any boxing or wrestling club in this State, the inspector or inspectors in charge of the show shall be suspended for a period of two weeks. If an inspector or inspectors violate this rule a second time, such inspector or inspectors may be subject to discharge from the service of the Commission.*†

Article 9. Contestants

324. Boxers and wrestlers may assume and use ring names, but the right to use any certain ring name is subject to the approval of the Commission and may be denied either at the time of presenting application for license or later, should reason for such denial be brought before the Commission.*†

325. Boxers who have signed for matches must weigh in at any time during training at the demand of the Commission.*†

326. Boxers shall be examined by club physician at 2 o'clock p.m. of the day of a scheduled bout and also one hour before entering the ring. Promoters who fail to see that 2 o'clock p.m. examination rule is enforced are subject to suspension or the revocation of their annual license.*†

327. If a substitute boxer who is requested to appear at any club for any show is not used, he shall be used on the next succeeding show staged by the club.*†

328. Boxers, wrestlers, managers and seconds when obtaining licenses must be completely fingerprinted at the time the application

*† For statutory and source citations, see note to §1.

is filed with the Commission. The necessary equipment and cards will be furnished by the Commission and applicants' fingerprints can be recorded in any of the three offices of the Commission. Fingerprints will be forwarded to the proper authorities to be checked. Each applicant will be required to supply two sets of fingerprints.*†

329. No professional boxer or wrestler shall be allowed to sell tickets, on a commission basis or otherwise, for any show in which he is contracted to box or wrestle.*†

330. Contestants shall report to the inspector in the dressing room at least one hour before they are due in the ring.*†

331. Contestants shall box in proper costume, including such foul proof protection cups as shall be listed as approved by the Commission, all of which shall be firmly adjusted before leaving the dressing room.* †

332. Boxers signed to engage in a contest must appear at scheduled ring time equipped with two pair of regulation trunks which may be black, purple, dark green, dark red, dark blue, or orange. These trunks must be of solid colors except that they may be ornamented with a stripe around the belt and down the sides of a color which contrasts with the trunks, but which must also be chosen from one of the colors above specified. These trunks may bear a suitable emblem or insignia provided it is not of a commercial or advertising nature. Articles of agreement must specify the colors of trunks to be worn by contestants to insure that they do not wear the same color. The contestants shall not wear the same colors in the ring. Failure to observe this rule will result in the offender being fined.

Boxers must wear regulation trunks which are loose fitting and made of light-weight cloth similar to an athlete's "running pants."

The belt of the trunks shall not extend above the waist line.

Shoes shall be of soft material, and shall not be fitted with spikes, cleats, hard soles, or hard heels. Socks, rolled down to the tops of the shoes, may be of any color. No other apparel than above specified may be worn in the ring, except a bath robe.*†

333. The use of grease or other substances that might handicap an opponent is prohibited.*†

334. Contestants must be clean and present a tidy appearance and be cleanly shaved.*†

335. Any contestant absenting himself from a show in which he has signed or has been signed by his duly licensed manager to appear, without a written valid excuse or furnishing a doctor's certificate in advance in case of physical disability, automatically suspends himself for a period of 60 days.*†

336. A boxer competing in a bout of four rounds or less may box again after 48 hours have elapsed. A boxer engaging in a contest of six rounds may box again after three days.

A boxer engaging in a bout of eight rounds may box again after four days have elapsed. A boxer engaging in a bout of 10 rounds may box again after five days have elapsed.*†

*† For statutory and source citations, see note to §225.

337. All clubs are held responsible and must correct any violation of Commission rules or Board of Health rules regarding the sanitary conditions in respect to dressing rooms, showers, water bottles, towels, etc. Club physicians and State inspectors are to make a particular examination at every boxing and wrestling show for violation of these rules and if any are discovered they must be reported to the Commission immediately. No one shall be allowed in the boxer's dressing room except his manager, seconds, and Commission or club representatives, and the club management must furnish a doorkeeper in dressing rooms to enforce this rule.*†

Article 10. "Down"

340. A Boxer Shall Be Deemed "Down" When. A boxer shall be deemed to be "down" when any part of his body but his feet is on the floor.

A boxer is considered "down" if he is hanging helplessly over the ropes and the referee has begun to count over him. (A referee can count a contestant out either on the ropes or on the floor.)*†

Article 11. Fouls In Boxing

343.

(1) Hitting below the belt.

(2) Hitting an opponent who is down or is getting up after being down.

(3) Holding an opponent with one hand and hitting with the other.

(4) Holding or deliberately maintaining a clinch.

(5) Wrestling or roughing at the ropes.

(6) Pushing an opponent about the ring or into the ropes, or striking an opponent who is helpless as a result of blows and so supported by the ropes that he does not fall.

(7) Butting with the head or shoulder or using the knee.

(8) Hitting with the open glove, or with the butt of the hand, the wrist, or the elbow, all backhand blows.

(9) Purposely going down without being hit.

(10) Striking deliberately at that part of the body over the kidneys.

(11) The use of the pivot blow or the rabbit punch.

(12) Jabbing opponent's eyes with the thumb of the glove (subjects offender to fine or suspension).

(13) The use of abusive language in the ring.

(14) Any unsportsmanlike trick or action causing injury to an opponent.

(15) Hitting on the break.

(16) Hitting after the bell has sounded ending the round.*†

344. Any boxer guilty of foul tactics in a boxing contest shall be disqualified or fined, or both, and his purse withheld from payment, and the boxer shall be automatically suspended. Disposition of the purse and the penalty to be imposed, if any, upon the boxer shall be subject to the action of the Commission.*†

*† For statutory and source citations, see note to §225.

345. If a bout is stopped because of accidental fouling the referee shall determine whether the boxer who has been fouled can continue or not, and if his chances have not been seriously jeopardized as a result of the foul, the referee may order the bout continued after a reasonable interval; the timekeeper shall be notified by the referee of his action.

If conditions, except as otherwise provided by these rules and particularly as otherwise provided by Section 267, relating to accidental butting, make it necessary to stop the bout the referee shall order as follows, and so notify the boxers, their managers, and the club, whose announcer shall notify the spectators:

The remuneration of both boxers shall be withheld by the Commission for use by the club in paying the boxers (in the same amount) for the second contest between them, to take place as an "added attraction" at the next show held by the club, or at a later date set by the Commission after a hearing.

The club must provide preliminaries and main bout of normal quality so that the rematch will be actually an "added attraction."

Where a rematch is ordered the first two days of the ticket sale shall be reserved, and so announced and advertised, for purchases of tickets by holders of seats at the first show, who will be given choice of locations as they present their ticket stubs at the box office.

Suspensions, fines and forfeitures of payments of either or both contestants shall be held in abeyance after the first bout, where a rematch is ordered by the referee or the Commission, and the ensuing conduct of the boxers in the rematch will be considered by the Commission in its final ruling. All moneys held or collected in conformance with this rule shall be forwarded to the Secretary of the Commission for proper deposit in a trust account until final disposition of such moneys is made by a vote of the Commission.*†

Article 12. Note for Referees

348. Referees will not permit unfair practices that may cause injury to a contestant, and are held strictly responsible for enforcing these rules. The only fair blow is a blow delivered with the padded knuckles.*†

349. Holding with one hand, especially back of the neck, and hitting with the other is classed as a major foul. Referees must warn offenders that this type of foul will not be tolerated and will be strictly penalized.*†

350. The kidney punch, which is an illegal blow landing on that part of the back near the spine and over the kidneys, is strictly barred because it may produce permanent injury. Neglect in such enforcement may result in suspension of the referee.*†

351. The pivot punch is a blow delivered by whirling around and striking at an opponent with the side or back of the hand or the wrist. The half-pivot, or back-hand blow, also barred, is struck by bringing the hand back after missing, and so landing with the side or back of the hand, with the chance of making it a blow with the wrist.*†

*† For statutory and source citations, see note to §225.

352. A rabbit punch is any blow struck at the back of the neck near the base of the skull, and is barred as dangerous. A blow landed on the head behind the ear, or on the side of the neck, as the opponent turns his head to avoid it, is not a rabbit punch. Any deliberate attempt to use the rabbit punch must be penalized.*†

353. Butting with the top or side of the head is not allowed. A boxer who goes in head down and leans against an opponent with his head while infighting is butting.*†

354. "Thumbing," using an open glove or jabbing at an opponent's eye with the thumb of the glove, has frequently caused serious injuries to the eye. Referees are expected to watch for this trick, and if it is deliberately used, penalize by disqualification. Contestants using such tactics may be fined by the chief inspector and be recommended for suspension.*†

355. If a contestant is helpless on the ropes the referee must instantly intervene, declare the helpless boxer "down" and proceed with the count as in case of a knockdown.*†

356. In cases of minor fouls, such as hitting or flicking with the open glove and clinching or wrestling an opponent after sufficient warning has been given, the referee will punish persistent disregard of the rule with the loss of points and may fine or disqualify the offender.*†

Article 13. To Prevent Injury to Boxers

359. Any boxer applying for a license must first be examined by a physician who has been licensed by the Commission as an examining physician to establish both physical and mental fitness for competition, and annually thereafter the boxer must take this required medical examination. The Commission may order examinations of boxers and wrestlers at any time for the purpose of determining whether such boxer or wrestler is fit and qualified to engage in future contests.

The printed form supplied the physicians must be filled out and returned to the Commission by the physicians and must be in the possession of the Commission before the license application can be acted upon. The examination must be repeated and reports turned in once a year as long as the boxer is licensed by this Commission.

Lists of qualified examining physicians appointed by the Commission for this work may be obtained from the chief inspector in the district.

A boxer presenting himself for physical examination must be clean in person and clothing. Failure to conform strictly to this rule is ground for suspension.*†

360. The use of any drugs, alcoholics or stimulants, or injections in any part of the body, either before or during a match, by any boxer is adequate grounds for revoking his license, as well as revoking the license of the person administering the same.*†

361. The use during a boxing match of Monsel's Solution, or any similar drug or compound for the stopping of hemorrhage in the ring, is prohibited.*†

*† For statutory and source citations, see note to §225.

362. Boxers who have been knocked out shall be kept in a prone position until they shall have recovered.*†

363. An application for boxer's license must be in writing and be verified before a notary public. The annual fee to accompany said application is $5, and the physical examination report of the applicant as required by Section 359 must accompany said application together with a receipt from the examining physician certifying that the fee for such examination has been paid to the physician. Any person who gives incorrect information in any application for a boxer's license may be permanently suspended by the Commission and any purse to which he might otherwise be entitled may be confiscated. Application for boxer's license must be on file with the Commission at least two days before it can be granted. A boxer or his manager can not sign a contract for such boxer to engage in a boxing contest until he has been issued a license.*†

364. Before a license is issued to any boxer, the application for such a license must be approved by a member of the Commission, Secretary or chief inspector or other authorized official of the State Athletic Commission as to the ability of such applicant. All such applications must be filed in conformance with the requirements of Sections 359 and 363.*†

365. No professional boxer can be booked or scheduled to appear in any boxing contest until such boxer has in his possession a license from the Commission at the time such boxer signs a contract or is booked to appear in any contest. Temporary permits may be issued. However, no such temporary permit will be issued to any applicant whose application is not accompanied by a satisfactory physical examination report from a duly licensed examining physician and also by a receipt from such physician stating that the fee for the examination has been paid.*†

366. If the boxer uses an assumed ring name, both his real name and his ring name must be included in the application. The word "killer" or "bloody" or any similar term must not be used by any contestant and must be eliminated from all advertisements and announcements referring to boxing and wrestling contests or exhibitions.*†

367. Whenever a licensed boxer, because of injuries or illness, is unable to take part in a contest for which he is under contract, he (or his manager) must immediately report the fact to the nearest chief inspector, and the boxer shall submit to an examination by a physician designated by the inspector. The examination fee of the physician is to be paid by the boxer, or club, if the latter requests an examination.*†

368. All professional boxing shows must be terminated at 12 o'clock midnight.*†

369. If, before any bout, a manager shall present to the chief inspector a bona fide statement of a bill owed him by a boxer under contract to such manager and the boxer shall refuse to pay the manager out of his earnings then such boxer may be suspended, if after an investiga-

*† For statutory and source citations, see note to §225.

tion the Commission so orders. This rule shall also apply to managers owing money to boxers.*†

370. Any professional boxer engaging in amateur contests shall be automatically suspended indefinitely.*†

371. All boxers must have attained their 18th birthday before being allowed to compete in any boxing contest in this State. No boxer over 36 years old shall be granted a license except by special action of the Commission.

No license shall be issued to any applicant for a boxer's license who is found to be blind in one eye or whose vision in one eye shall be so poor as to cause any examining physician to recommend that no license be granted. This rule will be effective regardless of how keen the boxer's vision may be in the other eye. Nor shall a boxer's license be issued to any boxer who has suffered cerebral hemorrhage or any other serious head injury.*†

372. Main event boxers scheduled to appear in cities of more than 75,000 population shall be present in such city at least five days in advance of the date on which the bout is scheduled for the purpose of training, publicity and for whatever other purposes the promoter may desire. If a boxer shall fail to comply with this rule the promoter may at his discretion deduct 10 per cent of the offending boxer's purse, subject to approval of Commission, to be turned over to the Commission for disposition, 7½ per cent to go to the club and 2½ per cent to the opposing boxer. No promoter shall have the authority to allow any boxer to violate this rule and any boxer guilty of such violation may be subject to a fine or suspension or both or may be subject to any other disciplinary action which the Commission may decide is just and fitting. Any manager, boxer or other licensee who has any objection to fulfilling the terms of this rule can file a protest with the Commission at any of its offices. Each protest will be considered individually and the licensee will be notified whether or not he must fulfill the terms of the rule.*†

373. All boxers must post appearance forfeits with each promoter for whom they are to appear. In event the boxer fails to appear this forfeit is to be divided, 50 per cent to the promoter and 50 per cent to the boxer's opponent for training expenses.

Scale of forfeits is as follows: Main events in Los Angeles, Hollywood, San Francisco and Oakland, $200. All other clubs' main events $100, except in championship bouts, when forfeits will be determined and prescribed by the Commission.

For semi-final and preliminary fights forfeits as follows:

Purses from	$5	to	$15	forfeit $5
Purses from	$15	to	$25	forfeit $10
Purses from	$25	to	$50	forfeit $15
Purses from	$50	to	$75	forfeit $20
Purses from	$75	to	$100	forfeit $25
Purses from	$100	to	$500	forfeit $50.*†

374. Boxers who fail to make the weight agreed upon in their contracts shall be fined 10 per cent of their purses with a minimum of $5

*† For statutory and source citations, see note to §225.

and a maximum of $100. If a boxer is able to make the weight between weighing-in time and ring time no forfeit shall be imposed nor shall a fine be assessed if the overweight is less than one pound. Forfeits shall be divided 50 per cent to the other boxer and 50 per cent to the Commission. This rule shall not apply in championship bouts, in which case the amount of the forfeit shall be specified by the State Athletic Commission.*†

Article 14. Rules for Champions

375. A champion is "one formally acknowledged supreme in a branch of athletics or game of skill, and *ready to contend with any qualified challenger.*"—Noah Webster.*†

376. Champions may be allowed to engage in nontitle contests by securing the majority consent of the State Athletic Commission.*†

377. The title of a champion shall be at stake in all cases where the official weighing-in shows his opponent to be within the maximum weight limit of the class, except that no club or promoter shall contract for or advertise any championship match or contest for less than 15 rounds.*†

378. At the discretion of the Commission a champion may be permitted to contest against a boxer belonging in a heavier class, but no minimum weight restriction shall be placed on such opponent to prevent his weighing-in as a title contender. The difference in weight between the contestants shall not exceed 12 pounds unless both weigh over 175 pounds.*†

379. A champion who persistently avoids meeting an outstanding challenger or who has failed to defend his title at weight within six months against an opponent of recognized ability may be denied the right to take other matches or be refused recognition as champion in this State.*†

380. The Commission shall once a year name State professional boxing champions in each weight class who must be bona fide residents of the State for at least six months. A championship can be lost by default, forfeit, or inability to make the weight but a championship can only be won in a contest.

Rules governing champions will apply to State champions except that titles must be defended within three months.*†

381. No club shall be allowed to advertise the appearance of a champion unless it files a written request with the Commission for permission to so advertise and receives a written reply from the Secretary of the Commission giving the permission requested. Any club guilty of such unauthorized advertising will be subject to a fine of $500 or have its licenses suspended or both. State championship contests may be held at 12, 13, 14, or 15 rounds, but world's championship bouts shall be at 15 rounds only.*†

*† For statutory and source citations, see note to §225.

382. All boxers holding belts presented by any club, organization or person for winning State championships must present the belt to the inspector in charge whenever the title is being defended. The belt shall be presented to the winner after the bout.*†

Article 15. Managers of Boxers

400. Manager's annual license fee is $25. Managers must not sign a contract for the appearance of any boxer with whom they have not a written contract on file with this Commission, such contract to be filed within 10 days of execution unless written permission from the Commission is granted for a longer period of time. Verbal agreements, or private agreements, not filed with and approved by the Commission are not valid and are not recognized by the State Athletic Commission. Contracts between boxer and manager must be on a contract form approved by and furnished by the Commission, except that any particular contract form not furnished by the Commission may be approved by the Commission as a whole. The contract of a manager on file with the Commission will be recognized until such time as a court of competent jurisdiction determines it to be of no further force and effect.*†

401. Managers, including those of champions, must not attempt to select or insist upon the selection of any designated referee in a bout in which a boxer under their management is to appear and shall not have the name of such referee written into the official contract, under penalty of a fine of not less than $100. Managers can not contribute to the pay of any referee under any circumstances, nor can any manager object to a licensed referee officiating unless he does so in writing to the Commission five days before the contest, giving his reasons for objecting. The Commission shall be the sole judge as to the merits of the protest, and its decision shall be final.*†

402. A licensed manager may act as a second without the necessity of a second's license.*†

403. Contracts between a manager and boxer are not transferable.

Any boxer on whose services there is a contract filed with Commission shall be automatically suspended by the Commission on receipt of a second contract signed by the boxer with another manager unless the first contract is mutually terminated or otherwise legally declared of no further effect. The suspension will remain effective until the validity of the contracts is established by proper court action. Burden of proof in determining the proper manager shall rest with the boxer.

In case of a minor, contracts presented to the Commission for filing must be executed in conformance with the provisions of Sections 36, 36.1 and 36.2 of the Civil Code.*†

404. If a licensed manager desires to represent another licensed manager in securing contests for a boxer, such manager must have in his possession a written power of attorney or written agreement from both

*† For statutory and source citations, see note to §225.

the manager and the boxer whom he represents. This power of attorney or agreement must be shown to the club promoter or matchmaker from whom he is attempting to secure a match. Power of attorney or any written agreement must be filed with, and approved by the Commission before it has any effect. Only one power of attorney at any one time will be recognized. A power of attorney can be revoked only in writing, which written revocation must likewise be filed with the Commission.*†

405. All contracts between manager and boxer must be in writing, signed in duplicate and filed with the Commission for approval. Contracts must state the division of the boxer's earnings, which in no case shall allow the manager more than 33⅓ per cent of the boxer's purses.*†

406. No manager shall be allowed to contract for the services of a boxer under his management for a match to take place on a date after the expiration of the contract between the boxer and manager.*†

407. Any boxer not under contract to a manager can make his own matches, sign contracts and need not apply for a manager's license to handle his own affairs.*†

408. In cases where boxers sign contracts with managers, the boxer's share of any purse which he may earn shall not be less than 66⅔ per cent.*†

409. If a manager shall fail to make application for a license he shall forfeit all rights to boxers on whom he has filed contracts in this State and the boxer shall be free to sign contracts with other licensed managers. Managers must file contracts on all boxers under their management.*†

410. If a manager is doing business for a boxer not signed to a contract, such boxer must personally sign all contracts for appearances at licensed clubs.*†

411. No boxer can have more than one manager without express approval of the Commission.*†

412. Any licensed manager found guilty of attempting to take another manager's boxer shall be fined $100 and if he fails to pay the fine within 10 days he may be suspended for 90 days.*†

Article 16. Seconds

415. The annual license fee for a second is $5. Seconds, and managers acting as seconds, must be neatly attired when in the ring and wear jerseys of plain colors with sleeves. Sport shirts without ties are permissible. No advertising matter shall appear on the person or clothing of seconds or managers or on the person or clothing of anyone appearing in the ring in any capacity.*†

416. A second holding only a second's license shall not attempt to act as manager, assist in any way in procuring matches. If found guilty of such action he shall be suspended.*†

*† For statutory and source citations, see note to §225.

417. Seconds shall not be more than three in number, including "house assistant."*†

418. If a licensed second shall present to the chief inspector a bona fide statement of a bill owed him by a boxer who engaged him to act as his second and the boxer shall refuse to pay the second out of his earnings, then such boxer shall be subject to suspension.*†

419. Seconds must not coach or in any way assist a principal during a round, or by word or action attempt to heckle or annoy his opponent. They must remain seated in place, and be silent.*†

420. Before a bout the referee shall be informed of the identity of the chief second.*†

421. Managers and seconds are forbidden to toss a towel into the ring in token of defeat of their principal or in any other way to acknowledge that he is beaten. The referee shall be the sole judge as to the physical condition of a professional boxer under severe punishment and as to whether the bout should be stopped. Should either the manager or seconds enter the ring during the progress of a round he shall be ejected and his license may be revoked and the referee may order the bout to continue.*†

422. No father or brother of a boxer shall be allowed to act as his second unless special permission is obtained in writing from the Commission. In no case shall a woman be allowed to act as second for a boxer.*†

423. Fans may be used between rounds, swinging of towels prohibited.*†

424. Seconds must not spray or forcefully throw water on a contestant.*†

425. Seconds shall not enter a ring until the bell indicates the end of a round. They shall leave the ring at the sound of the timer's whistle 10 seconds before a round is to begin, removing all obstructions, buckets, stools, etc., promptly at the sounding of the gong.*†

426. Violations of the above rules shall be followed by ejection of the offenders from the ring corner, and may result in indefinite suspension of offenders and disqualification of their principal by the referee.*†

Article 17. Matchmakers

429. Matchmaker's annual license fee shall be $25. He must observe all the rules and requirements with respect to weight agreements and weighing-in.*†

430. Matchmakers will be held responsible by the Commission if they make matches in which one of the principals is outclassed. Persistent lack of judgment in this matter will be regarded as cause for canceling a matchmaker's license, for the protection of both the boxers and the public.*†

*† For statutory and source citations, see note to § 225.

431. Managers are not allowed to have more than two boxers under their management in any one show without special permission in writing from the Commission. Matchmakers must rigidly enforce this rule.*†

432. A matchmaker can make matches for only one club unless special written permission is obtained from the Commission, after a vote has been taken.*†

433. The names of contestants signed to appear in main events and semi-final events must be submitted to this Commission in writing for approval before such names are given to the press or before any advertising of such bouts is ordered. Written requests for such approval must be filed with the Commission, through the chief inspector of the district in which the club making such request is located.*†

434. Any promoter who deals with an unlicensed manager may have his promoter's license revoked or suspended and he may be subject to such fine as the Commission may determine.*†

435. No promoter, or group of promoters shall directly or indirectly hold more than one club license without the consent of the Commission. Violation of this rule shall result in cancellation of all licenses so held.*†

436. Any promoter or matchmaker found guilty of managing a boxer shall have his license suspended, and in the case of a promoter, his club license may be revoked.*†

Article 18. Timekeeper

439. Timekeeper's annual license fee is $5. He must be seated at the ringside close to the gong. He shall indicate the beginning and ending of each round by striking the gong with a hammer.*†

440. He shall provide himself with a whistle and an accurate stopwatch that shall have been properly examined and certified by a competent watchmaker before it is used.*†

441. Ten seconds before the beginning of each round the timekeeper shall give warning to the seconds of the contestants by blowing the whistle.*†

442. In event of a contest terminating before the scheduled limit of rounds the timekeeper shall inform the announcer of the exact duration of the contest.*†

443. The timekeeper's procedure in case of a knockdown is detailed in Section 274. The minimum pay for timekeepers shall be $5 per show, except in Los Angeles, San Francisco, Oakland, and San Diego, where it shall be $10 per show.*†

*† For statutory and source citations, see note to §225.

Article. 19. Announcer

446. The annual license fee for an announcer shall be $5. The announcer shall act as "Master of Ceremonies." Announcers are forbidden to make any announcement whatsoever except as authorized to do so by the Commission or its authorized representative at the ringside. After contestants and their chief seconds are in the ring the announcer shall announce the names of the contestants, their correct weights, and other matters as may be directed by the Commission or inspector. Clubs shall provide the announcement of rounds. The announcer shall announce the decisions.*†

447. The minimum pay for announcers shall be $5 per show.*†

448. All substitutions of contestants or changes in any boxing or wrestling program shall be announced to the audience by the announcer before the first boxing contest or wrestling match.*†

Article 20. Club Physician

451. The annual license fee for a club physician shall be $5.*†

452. Within eight hours of entering ring each contestant must be given a thorough physical examination by the club physician who has been licensed to practice not less than three years previously, and also another examination one hour before the contestant enters the ring to compete.*†

453. Chiropractors shall not be allowed to examine boxers or wrestlers.*†

454. Should the boxer or wrestler examined prove unfit for competition, through physical injury, faulty heart action, the presence of any infectious or contagious disease, or any weakness or disability discovered by the physician that should bar him, the boxer or wrestler must be rejected and immediate report of that fact made to the club and the inspector.*†

455. The club physician shall, one hour before the start of a boxing show, certify to the inspector in writing over his signature that the contestants passed by him are in good physical condition to engage in the contests, and shall mail to the Commission within 24 hours his written report on boxers examined.*†

456. All club physicians must report at bottom of physician's report all cases where boxers or wrestlers have been injured during a bout or have applied for medical aid after a contest. Failure to make such reports will result in suspension of club physician's license.*†

457. All club physicians must give boxers an eye examination at weighing-in time to determine if the boxer's vision is normal. If any boxer shall be found to have defective vision in either or both eyes, a report must be made to the Commission immediately.*†

*† For statutory and source citations, see note to §225.

458. Club physicians shall sit at the immediate ringside at all boxing and wrestling bouts. No bout shall be allowed to proceed unless the physician is in his seat. The physician shall not leave until after the decision in the final bout. He shall be prepared to assist if any serious emergency shall arise and shall render temporary or emergency treatments for cuts and minor injuries sustained by the contestants.*†

459. The club physician shall have a suitable place or room in which to make the examinations. The minimum fee of the physician shall be $1 for each boxer or wrestler examined, and a fee for attendance, total to be not less than $10, which fee shall include temporary or emergency treatments rendered to any injured contestant in the arena or dressing room.

Physicians, other than those licensed by the Commission, shall not be allowed in the dressing room of any boxer before a match without permission of the inspector on duty.*†

460. Physicians are to report boxers who fail to comply with the rule that any boxer or wrestler presenting himself for physical examination must be clean in person and clothing.*†

461. A boxer or wrestler rejected by a club physician for disability will be placed on the suspended list until it is shown that such disability no longer exists.*†

462. Clubs and club physicians shall be held responsible for the physical and mental condition of boxers and wrestlers upon entering the ring. Special attention shall be given the eyes. Negligence in such matters will result in the suspension of the offending parties.*†

Article 21. Regarding Suspension

465. Clubs and their matchmakers will take notice of the suspension bulletins sent out by the Commission, and shall not permit any person under suspension to take any part whatsoever in arranging or conducting matches or exhibitions during the period of suspension.*†

466. Every person debarred or suspended by the Commission shall refrain from participating or matchmaking or holding bouts during such disbarment or suspension.*†

467. All persons under suspension or whose licenses have been revoked are barred from the dressing rooms of all clubs, and from occupying seats within six rows of the ring platform, and from approaching within six rows of seats from the ring platform, and from holding any intercourse in the arena or dressing rooms with any of the principals in the bouts, or their managers or seconds or the referee, directly or by messenger, during any boxing show. Any violator of this rule is to be ejected from the arena or club building, and the price paid for his ticket shall be refunded to him upon his presenting his ticket stub at the box office, and he shall thereafter be barred entirely from all club arenas in this State during the holding of contests or exhibitions.*†

*† For statutory and source citations, see note to §225.

468. Any person holding license under this Commission, who has been suspended for using dishonest methods to affect the outcome of any contest, or for any conduct reflecting serious discredit upon the sport of boxing shall not be eligible for reinstatement for a period of six months for the first offense and for a second offense shall not be reinstated.*†

469. Any manager under temporary suspension shall be considered to have forfeited for the duration of his suspension all rights in this State held under the terms of any contract with a licensed boxer or wrestler. Any attempt by a suspended manager to exercise such contract rights shall make his suspension permanent, and a boxer or wrestler who continues any of the contract relation with a suspended manager shall be indefinitely suspended.*†

470. Any person holding license under the Commission may be suspended for violations of the law or the rules, or for arrest or conviction on a charge involving moral turpitude or for any action by a licensee of unbecoming conduct at any time or place which is deemed by the Commission to reflect discredit to boxing or wrestling.*†

471. A boxer whose manager has been suspended may continue boxing independently during the term of such suspension, signing his own contracts for matches. No payment of a boxer's earnings may be made by any licensed club to a manager under suspension, or to his agent, but the purse in full shall be paid to the boxer.*†

472. Revocation of license or permanent suspension of a manager shall automatically cancel all of his contract rights in this State under any and all contracts with boxers made under the authority of this Commission.*†

473. In case of such revocation or permanent suspension the boxers are at liberty to operate independently and make their own matches, or to enter into contracts with other managers licensed by the Commission in good standing.*†

Article 22. Contracts

500. All contracts between clubs and boxers or their managers must be drawn in triplicate on the official forms supplied by the Commission. The copy for the State Athletic Commission must be filed at one of the Commission's offices at least five days before the bout. All such contracts must have the signature of a witness affixed thereto. In cases where a minor boxer is under contract to a licensed manager both the minor boxer and the manager must sign all contracts for the appearance of such minor boxer at any licensed boxing club in this State. If two or more clubs file disputed contracts on the services of a boxer, the boxer shall be automatically suspended until the disputed contracts have been adjusted or legally adjudicated. Burden of proof in determining the valid contract shall rest with the clubs.*†

*† For statutory and source citations, see note to §225.

501. All contracts must name the opponent and fix a certain date for the contest. If a boxer is signed for a series of bouts, dates and names of opponents must be a part of the agreement and a separate contract signed for each bout.*

502. It is provided, however, that should the club desire to match a boxer with the winner of an ensuing contest this may be done by writing in the space reserved for opponent's name as follows: "(Name) or (name) or the winner of their contest on (date)."

In signing the opponent in this case the matchmaker of the club may sign both principals in the said ensuing contests and, with consent of all parties to the contract, have written in the blank space below clause 8 in each of their official contracts the provision:

"This contract at the option of the club may be declared null and void if the boxer loses the contest with (name of opponent) on (date), and may be declared null and void at the pleasure of the club in event of a 'draw' decision, or a decision of 'no contest'."*†

503. All papers and documents filed shall be the property of the Commission.*†

504. No verbal agreement or written agreement other than the contract on the official form shall be accepted or recognized by the Commission. Contracts are prohibited wherein a certain sum, other than Federal and State taxes, is taken by the club from the gate receipts, before a boxer is paid for his services a percentage of the balance of said gate receipts. No "blanket contract" or option on a boxer's services will be recognized by the Commission. Such contracts and options are expressly prohibited. Contracts, wherein a boxer agrees to accept a certain percentage for his services with the understanding that at the same time he is to pay his opponent a stipulated amount of this percentage, are not acceptable to the Commission unless such a contract is submitted to the Commission for examination and approval before it is signed by the parties thereto.*†

505. All appearance forfeits in boxing or wrestling contracts shall be posted with the Commission at the time of the filing of said contracts. Unless otherwise specified in the forfeiture agreement, in case of forfeiture 50 per cent shall go to the club and 50 per cent to the opponent. In case that an appearance forfeit is not posted, the club is not required to pay any amount to the aggrieved or injured boxer in the event that the match or contest is not held by reason of the failure of one of the contestants to appear and carry out the provisions of the contract.*†

506. In the event a club shall guarantee a purse to the contestants at a boxing match, the total amount of which shall be in excess of the bond furnished pursuant to Section 249, the club shall furnish an additional bond in an amount equal to such excess, which said bond shall be filed with the Commission not less than five days before the contest. In lieu of such bond a certified check may be deposited.*†

507. No club shall be permitted, without written and final approval of the Commission, to pay more than 55 per cent of the gate

*† For statutory and source citations, see note to §225.

receipts with State tax deducted, for a main bout on percentage basis, and not more than 75 per cent of this purse can be paid to either contestant.*†

508. All contestants shall be paid in full according to their contracts, and no part or percentage of their remuneration may be withheld except by order of an official of the Commission or its referee, nor shall any part thereof be returned through arrangement with the boxer or his manager to any matchmaker or club official.*†

509. As a matter of record all communications to the Commission regarding contracts, or violations or threatened violations thereof, must be made in writing or by telegraph to the Secretary of the Commission through the nearest chief inspector, and rulings of the Secretary or the Commission must be made only in writing or by telegraph.*†

510. If, through inclement weather (in case of any outdoor show) or other happening not within the control of the club, a postponement becomes necessary, the Commission may grant an extension of the contracts and set a new date, and the action of the Commission shall be binding upon all parties to the contracts. A small advance sale shall not be regarded as legitimate reason for a postponement. Indoor boxing and wrestling shows shall not be called off or canceled on account of storms or for any other reason not herein expressed, except with an affirmative vote by at least a majority of the Commission. No boxing or wrestling show shall be called off at such a time when the public can not be notified through afternoon newspapers, or other effective means of notification.*†

511. All contracts for boxing contests must include the following clause:

"The boxer agrees to equip himself with an approved abdominal guard of his own selection, type to be approved by the Commission, which will obviate the necessity of any claims being made during the contest on account of a low blow. *It is expressly understood* that this contest is not to be terminated on account of a low blow, as the protector selected by the boxer is, in his own opinion, sufficient protection to withstand any so-called low blow."*†

Article 23. Payment of Contestants

514. All payment of purses shall be made immediately after the contest or exhibition, or, in case of a percentage contract, immediately after the percentage is determined by the Commission inspectors.

The club's authorized representative shall, in the club office, deliver check or checks made out by the club as payor to all parties entitled to payment. Such payment shall be made in the presence of the Commission's inspector in charge of the show. The club shall take a receipt for all payments made by checks, and deliver a copy of such receipt to the Commission. The form of this receipt will be furnished by the Commission and filled out by the inspector.*†

515. All contracts between the club and the contestant or his manager must state the division of the percentage of the gate receipts

*† For statutory and source citations, see note to §225.

or the amount of the purse. The amount of the purse or the percentage each is to receive shall appear on advance notices sent the Commission. If the contestant has no manager legally entitled to represent him, then he shall be given the club check, which shall be made payable to the said contestant in the full amount due him under his contract with the club.

If the contestant has a manager, the club shall provide a check made out by the club to the manager for the amount or percentage of the contestant's purse to which he is entitled under his contract with the contestant, not in any case to be in excess of $33\frac{1}{3}$ per cent of the purse, and the manager shall sign a receipt for his share or percentage of such purse; also a check made out to the contestant for his contract share of the purse, not less than $66\frac{2}{3}$ per cent, and the manager shall receipt for same.*†

516. Should any club check be protested or not honored by the bank drawn on, then claim shall be made for the amount of the check upon the surety, as provided in the rules of the Commission.

Clubs will hold all indorsed payment checks for inspection at the Commission's order.*†

517. In the event the referee fails to render a decision at the termination of any bout, the club shall deliver payment checks covering such bout to the Commission.*†

518. Preliminary boxers shall be paid immediately after the conclusion of the last bout. This payment must be made in the form of a check which may be cashed by the club after being properly indorsed.*†

519. In order to prevent claims by boxers and wrestlers working on a percentage that they have not been paid the correct amount due them, box office statement must be shown to all such boxers and wrestlers or their managers in the presence of the State Athletic Commission Inspector upon demand. If any club shall issue complimentary tickets or passes in excess of a number equivalent to one per cent of the seating capacity of the house, then the club shall pay boxers or wrestlers working on percentage, on the basis of the normal price of such complimentary tickets or passes. However, a club may obtain permission from the Commission to issue passes in excess of the allotted one per cent by filing a written request. If the request is granted, the contract between the club and the boxer or wrestler must contain a clause stating that the issuance of such passes is agreeable to the boxer or wrestler, must stipulate the maximum number of passes to be issued and must further show that the boxer or wrestler agrees that he shall not be paid his percentage on any passes so issued. The above applies only to passes or complimentary tickets on which no service charge is collected. In cases where a service charge is collected, the boxer or wrestler shall be paid his percentage on the amount of the actual service charge, the basis for such payment to be fixed after any Federal or State tax has been deducted from the service charge. A main event boxer or his manager, when said boxer is working on a percentage basis, shall be given, after the conclusion of the boxing show, a carbon copy of the State inspector's written report of the gate receipts of the boxing show rendered to the Commission.*†

*† For statutory and source citations, see note to §225.

Article 24. Tickets

522. The sale of tickets for any proposed exhibition is prohibited until plans showing the seating arrangements, aisle spacing, exit facilities, and the location of fire appliances have been approved by the fire department.*†

523. Bona fide employees of the management of the club, municipal or county officers on official business, and members and employees of the Commission are not liable to tax if admitted free, but if admitted at reduced rates are liable to tax on the reduced price. Bona fide employees are:

(a) Those persons, including directors and officers, regularly employed by the club or regularly engaged in work or business transacted there, whether their duties require admission to the place or not, and whether on duty at the time admitted or not; and

(b) Other persons whose admission to the place is required for the performance of some duty to, or work for, the management of the club.

Newspaper reporters, photographers, telegraphers, and radio announcers assigned to work by their recognized employers or superiors, policemen and firemen in uniform and on duty, and persons of similar vocation who are admitted free to any club for the performance of special duties in connection with any event and whose special duties are the sole reason for their presence and free admission, are not liable for any tax on admissions. Free admissions granted to such persons who are not admitted solely for the purpose of performing their special duties in connection with a show are subject to tax equivalent to the tax on the admission charge paid by other persons for the same or similar accommodations.

Tickets shall be provided by the club for Commission members, the Secretary of the Commission, inspectors detailed by the Commission for duty, principals and seconds, who are engaged in the contest and officials provided for under the law and rules. Any club admitting any person other than those specifically exempted without a ticket is liable to suspension or revocation of its license, or any other penalty the Commission deems proper under the circumstances.

Life-time passes issued by the Commission to former members, in consideration of special services, are not subject to the payment of the tax.*†

524. Clubs may use only tickets obtained from a printer approved by the Commission. Authorized printers shall send by mail to the nearest Commission office, not less than 24 hours before the exhibition for which the tickets have been printed, a sworn inventory of all tickets delivered to any club. This inventory shall account for any over prints, changes or extras. Clubs shall notify printers of this requirement. Tickets of every description used for any boxing or wrestling match or exhibition must be held by promoters for a period not to exceed six months. Such tickets may be destroyed after they have been held for at least 30 days after a written application has been filed with the Commission and written permission received for the destruction of such tickets. Such tickets must be kept in separate

*† For statutory and source citations, see note to §225.

packages for each show in order that a recheck or recount can be made at any time by the Commission.*†

525. No exchange of tickets shall be made except at the box office, and no ticket shall be redeemed after the show has taken place. Tickets in the hands of agencies must be returned to the box office not later than one hour after the show has started.*†

526. All tickets, exclusive of working press, official, employee, and photographer, shall have the price and name of club and date of show printed plainly thereon. Changes in ticket prices or dates of shows must be referred to the Commission for approval.

Tickets marked "Ringside" must not be misleading as to their actual location. In addition to the section, row and seat number on the ringside tickets, the following is to appear:

Example No. 1	Working Press	
Section	Row	Seat
10	3	1
Example No. 2	Ringside	
Section	Row	Seat
12	1	1

Working press seats are limited as follows: Three rows for outdoor shows and one row for indoor shows unless specific written permission is obtained from the Commission to increase these numbers.

There must be an aisle space at the end of the working press section after which the ringside section begins. Rows in working press seats will be limited to Rows 1, 2 and 3 for outdoor shows or Row 1 for indoor shows. Rows in ringside seats must be numbered 1, 2, 3, 4, 5, ad infinitum. Rows of Patron Ringside, press Ringside, or Patron press seats are hereby prohibited. Under no circumstances will it be permitted to letter the rows of working press or ringside seats. (Clubs now operating need not change from the lettered row system to the numbered row system; this is meant to apply to new clubs and outdoor shows.)

Under no conditions will the sale of ringside seats be permitted for outstanding or championship bouts until approved by the Commission. No tickets shall be sold by any person, firm or association whomsoever, except through an *accredited* ticket sales agency, without first being approved by the Commission.

All working press tickets for outdoor shows shall be delivered to the Commission and will be allocated by the Commission to newspapers and officials entitled to sit in working press section. The promoter may be requested to recommend such seating arrangement as the club deems proper, however, the final allocation of such press seats rests with the Commission.*†

527. No ticket shall be sold except at the price printed on it. However, officers or enlisted men in the armed forces of the United States in uniform only may be admitted at reduced prices to all boxing and wrestling shows in California. However, such reduced prices shall not exceed 50 per cent of the normal price of the ticket and the club shall pay the State tax based on the normal price of such ticket.*†

*† For statutory and source citations, see note to §225.

528. Clubs must not sell admission tickets at reduced prices to managers, seconds, boxers, wrestlers, or other licensees. Boxers, managers and wrestlers may be given passes or at the discretion of the club and upon payment of Federal and State taxes, clipped complimentary tickets, not to exceed three for each participant. The Federal and State taxes shall be computed on the basis of the normal value of the seat for which the pass or complimentary ticket is issued. No licensees shall be admitted to boxing and wrestling clubs upon presenting their licenses, except referees, as heretofore provided by Section 287. State inspectors shall be admitted to boxing and wrestling clubs on showing proper credentials. Clubs must submit, to the Commission, a list of bona fide employees and attaches who are entitled to employees' passes, for approval by the Commission, and for the information of the State inspector in computing the tax.*†

529. Every club holding either boxing or wrestling matches must have printed on the stub of every ticket sold the following advice:

"Retain this coupon in event of postponement or no contest. Refund $_____."

The price paid for the ticket shall be printed in the foregoing blank space, and the coupon detached and returned to the ticket holder at the entrance gate. This coupon check shall also show the name of the club and date of the contest or exhibition, and shall be redeemed at its face value by the club upon presentation by the purchaser if the advertised main event is postponed or does not take place as advertised.*†

530. Tickets of different prices must be printed on cardboard of different colors.*†

531. Inspectors will check numbers and places of ticket cans at gates and cause them to be sealed and padlocked, and after the show have them opened and tickets counted under their supervision.*†

532. All tickets issued to the press shall be marked "Press." Working press tickets shall be consecutively numbered to correspond to the seats and shall not be issued to exceed the comfortable seating capacity of the press box surrounding the ring, and no one, except the officials designated by the Commission, shall be allowed to sit at the press table unless actively engaged in reporting the contests. All clubs must furnish the inspectors with a list of passes issued to actual working reporters and photographers. Working press tickets, tickets for municipal or county employees on official business, bona fide employees' tickets or tickets for Commission officials and employees are exempt from tax. Clubs must submit to the Commission for approval a list of all such tickets issued for each show as inspectors must collect tax on any and all tickets not specifically exempt as shown on the list so approved.*†

533. Complimentary passes shall be limited to one per cent of the seating capacity of the house unless permission is obtained from the State Athletic Commission to exceed the said one per cent.*†

*† For statutory and source citations, see note to §225.

534. Licensed clubs must exercise extraordinary caution to prevent speculation in tickets. Licensed clubs are prohibited from selling any tickets for any price other than the price printed thereon, and from changing the price of tickets at any time after tickets for the exhibition have been placed on sale, or to sell any tickets at any time during the exhibition for less price than tickets for the same seats were sold or offered before exhibition, except by permission of the Commission.*†

535. Upon receipt of written permission first had and obtained from the State Athletic Commission, licensed clubs may issue script, exchange slips, courtesy or advertising passes and/or such other types of passes as may be approved by the Commission. Such passes, script or exchange slips must have printed thereon that the persons to whom they are given may present them at the box office, where, upon the payment of a specified sum, which sum must be designated a service charge, and which sum shall be exclusive of Federal and State taxes, the bearer shall be given a ticket of admission to a boxing or wrestling match or exhibition at the club by which the pass, script or exchange slip is issued on the date specified thereon, together with a reel ticket having printed on said ticket the amount of the service charge after Federal tax has been deducted. Both the ticket of admission and the reel ticket must be collected from the holder by the doorman. Clubs making request for such permission must do so in writing on a form to be supplied by this Commission, which form will show the number of such passes, script or exchange slips the club intends to issue, the location of the seats to which the bearer will be entitled, the value of such seats and any other information which the Commission may require.

Women and/or children may be admitted free or at reduced prices to boxing and wrestling matches under the following conditions:

(a) Each woman and/or child shall be accompanied by male escort who shall be required to buy one full ticket.

(b) No tax or service charge shall be collected by the club from any woman and/or child admitted free under this rule.

(c) The club shall pay to the Commission the full State tax based on the normal value of tickets given free or sold at a reduced price to women or children.

(d) This rule shall only apply to clubs outside the metropolitan areas.

(e) The Commission reserves the right to issue at its own discretion permits for the admission of women and/or children free or at reduced prices.

(f) Any club wishing to take advantage of this rule must apply to the Commission in writing for permission.*†

536. Under no circumstances shall a ticket holder be passed through the gate without having the ticket separated from the stub, or be allowed to occupy a seat unless in possession of the ticket stub.*†

537. Ushers must see to it that spectators get the seats corresponding with their ticket stubs, and that anyone occupying such seat

*† For statutory and source citations, see note to §225.

unlawfully is asked to vacate, and if necessary is ejected. Ushers allowing unsold seats to be occupied by patrons not holding a seat stub for same may have their licenses suspended or revoked. Doormen admitting any person without a ticket of admission to any show conducted by a licensed club may have their licenses suspended or revoked.*†

538. The sale of tickets can not exceed the seating capacity of the house, and no ticket can be issued for standing room or person sold the right of admission without a ticket.*†

539. Whenever an exhibition is given an authorized representative of the licensed club holding such exhibition shall, in addition to the written report required by the Commission, give a memorandum or box office statement to the inspector immediately after the close of the box office and the inspector must obtain same, showing the number of each class of tickets unsold or unused, and permit the inspector to examine and verify all unsold or unused tickets, stubs, coupons, books, cash, and all other matters relating to the box office and ticket takers. The inspector will make formal report to the Commission by mail immediately upon the completion of such examination. Any fraud on the part of the club's representative will be deemed the act of the club.*†

540. In all cases where it is reported by an inspector that a club has made an incorrect statement of its gate receipts, or has used tickets not appearing on the statement required by the rules of the Commission, or by any mistake or subterfuge as to reduce the amount of tax under the law, the club manager shall be called before the Commission and failing in prompt and satisfactory explanation and adjustment the club's license shall be revoked. Reports on any such irregularities must be made immediately, and in writing, by the State inspector.*†

Article 25. Clubs

543. No club license can be granted except at a regular Commission meeting unless there is a majority vote of the Commissioners by mail or wire in favor of the issuance of such a license. Club licenses are not transferable.*†

544. All applications for club licenses must be voted upon at the first meeting of the Commission after applications have been filed with the Commission and the applicants have fulfilled all requirements for advertising, bonds, lease and fee. All Commissioners present at the meeting shall vote either for granting or denying the application or postpone action for further investigation and the Secretary shall keep a record showing the vote of each Commissioner.*†

545. Licensed clubs shall not be allowed to hold more than one set of boxing or wrestling bouts a week without special permission.*†

546. If a promoter or club has been granted a license for weekly boxing or wrestling shows and said promoter or club does not hold a boxing or wrestling show for a period of 30 days the license of said promoter or club shall automatically be revoked and if a promoter or club who has a license to promote shows semi-monthly or monthly and does not

*† For statutory and source citations, see note to §225.

hold a boxing or wrestling show for a period of 60 days said promoter or club shall have its license automatically revoked, unless such club obtains written permission from the Commission for an extension of time.

(a) No club may schedule or advertise a 15-round championship boxing contest without having received the specific approval and permission of the Commission.*†

547. All clubs are directed to set aside a room on their club premises to be known as the "Emergency Room," the same to be kept comfortably warm, containing among other things the following articles: One set blankets, one stretcher, a rubber pillow, an electric pad, bottle of smelling salts, bandages, surgeon's tape, bottle of collodium, bottle of adrenalin, splints, artery forceps, pair of scissors, Johnson's special aid kit.*†

548. Clubs will be held responsible for maintaining order, and any person who is intoxicated, abusive or disorderly in conduct, to the annoyance of surrounding spectators, must be ejected. Clubs must supply adequate police protection in order that order may be maintained and all laws and regulations enforced.*†

549. Licensed clubs are not to exceed 40 rounds of boxing for any one program. An emergency bout must be provided in case the arranged card breaks down and if it is necessary to put on another bout. The emergency bout should not be paid for unless used, but the boxers must then be given a preliminary bout at the following boxing show held by the club.*†

550. Advance notices for all boxing shows must be in the office of the chief inspectors and Secretary not later than six days before the date of the show. Instructions for mailing advance notices and contracts are printed at the bottom of advance notices and contracts. Advance notices must show the names of boxers or wrestlers engaged by the club for an emergency bout to be used in case the regular card breaks down because of the failure of one or more of the regularly scheduled boxers or wrestlers to appear or because of their inability to go through with their contract because of being overweight, out of condition or for any other reason. Failure by any club to observe this order will result in a fine for first offense. Second offense may result in suspension or revocation of license.*†

551. Failure of any club to submit an advance notice within the stated time to all Commission offices will result in an automatic fine of $10 for first offense. The Secretary of the Commission will notify any club failing to submit advance notices in accordance with instructions that such club must remit to the office of the Secretary for deposit as a fine in the Athletic Commission fund the stated sum of $10 before the club can obtain permission to conduct another show.*†

552. Notice of any change in announced or advertised programs for any main event boxing contest must be filed with the Commission and the press at least 24 hours before the contest. Notices of such

*† For statutory and source citations, see note to §1.

change or substitution must also be conspicuously posted at the box office, and announced from the ring before the opening contest, and if any of the patrons desire to have the price of their tickets refunded, such refund shall be made if the tickets or the ticket stubs are presented at the box office at once. The box office must remain open a reasonable length of time to redeem such tickets.*†

553. Substitutions will not be permitted in a main event contest unless made more than 24 hours before weighing-in time of the day of the contest, and then will be permitted only when the substitute has been approved by the Commission in cases of emergency which the Commission feels justify such action.*†

554. The main event of any professional boxing show shall be started not later than 10 o'clock p.m. If the semi-final or other advertised bouts have not been held they shall be put on after the main bout. In daylight shows the main bout is to precede the semi-final bout unless the main bout can be put on in its natural order by 4 o'clock p.m.*†

555. No intermission shall exceed a period of 10 minutes at any boxing show or wrestling show and the inspector in charge shall see that this rule is strictly enforced.*†

556. The time allowed for putting the gloves on main event boxers within the ring shall not exceed five minutes and the referee and timekeeper shall advise the inspector in charge if this rule is violated.*†

557. Clubs are not allowed to "farm out" or sell their show to any matchmaker, or manager of boxers, or other person.*†

558. No person other than a boxer, wrestler, or person officially identified with the sport, may be introduced from the ring except with specific authority to do so from the Commission or a Commissioner in attendance.*†

559. No club, or member or stockholder or official of a club shall be permitted to act directly or indirectly as manager of a boxer, or to hold any financial interest in such management or in the boxer's ring earnings.*†

560. Every club must provide a suitable room or place for the examination of contestants by the club physician.*†

561. Copies of all boxing contracts must be filed with the Commission. The making of secret agreements contrary to the terms of the contracts so filed is prohibited under penalty of suspension of all parties thereto.*†

562. Any club doing business directly or indirectly with managers or boxers under suspension may have its license revoked.*†

563. Any person desiring to hold a charity show or a show held in whole or in part for the benefit of any charitable fund or organization shall file a request for permission to hold the same with the Commission.

*† For statutory and source citations, see note to §225.

The request shall contain the name of the charity, charitable fund or organization which is to benefit from the show and the amount or percentage of the receipts of the show which is to be paid to it.

All permits to hold charitable shows or shows for the benefit of any charitable fund or organization issued by the Commission shall require that within 72 hours after the show the club, corporation, organization, or association holding the same shall furnish to the Commission a certified itemized statement of the receipts and expenditures in connection with the show and the net amount paid to the charitable fund or organization.

The failure of any club, organization, corporation, or association to file the statement required by the preceding paragraph may constitute grounds for the suspension or revocation of any licenses issued by the Commission to it and the Commission shall not thereafter issue any license to such club for the holding of any such charity show.*†

564. No soliciting of any kind by any individual or organization shall be allowed in any boxing or wrestling arena without the written permission of the Commission.*†

565. All drinks shall be dispensed only in paper cups. Violation of this rule may result in the suspension or revocation of the offending club's license.*†

566. A club shall not employ an unlicensed referee, second, timekeeper, boxer, wrestler, matchmaker, announcer, club physician, ticket seller, doorman, usher, corporation treasurer, or box-office employee. The use of unlicensed referees, boxers, wrestlers, managers, seconds, timekeepers, announcers, physicians, ticket sellers, doormen, ushers, corporation treasurers, or box-office employees by any club in this State will result in the suspension of the club license.*†

567. It is imperative that every boxer, or wrestler competing must be licensed and in possession of this identification card bearing his photo and license number. The paying of license fee at the ringside by managers, boxers, seconds, etc., shall not be allowed. All licensees must show their identification cards to the inspector in charge upon demand, and those not having cards in their possession will be required to pay an additional license fee as a fine, which fine with report concerning same by inspector shall be sent to the Commission for approval or refund.*†

568. No admission can be charged to a training quarters where boxers are training except by permission of the Commission. Where such admission fee is charged it shall be considered by the Commission that it is charged for the privilege of seeing an exhibition of boxing, and the club or person making the charge for admission shall furnish the Commission a certified written report, detailing the number of admissions and the total amount of money taken in, within 72 hours thereafter. The State tax on such gross receipts, exclusive of any Federal taxes paid thereon shall be forwarded to the Commission with the report.*†

569. The Commission requires that whenever any person, licensed by the State Athletic Commission of California, is approached with a

*† For statutory and source citations, see note to §225.

request or suggestion that a sham or collusive contest be entered into, or that the contest shall not be conducted honestly and fairly, such licensed person must immediately report the matter to the Commission.*†

570. All applications for licenses, except club licenses, must be filed with the Commission at least two days in advance of their issuance.

Applications for club licenses must be filed in the office of the Secretary at least 10 days before the meeting of the Commission at which such applications are to be considered. Applicants for amateur club licenses must conduct shows under amateur licenses for one year before making application for professional club licenses.*†

571. Applications for licenses from clubs, matchmakers and managers will be considered only when these applicants submit complete information regarding any and all persons connected with such applications. If a license is granted to the applicant, then such licensee shall immediately advise the Commission if during the life of that license any change is made in the personnel of a club or if any manager or matchmaker shall secure any partners or backers other than those mentioned in the original application. All such changes must be approved by the Commission, and the Commission may if it so desires, immediately cancel or revoke the existing license if the changes do not meet with its approval. The Commission will not approve the retention of a license by a licensee where the promotion, operation and conduct of such a club is in the hands of another.*†

572. Boxers, wrestlers, and/or managers must pay all legitimate bills contracted in connection with training and gymnasium expenses. Failure to pay such bills may result in suspension for such boxers, wrestlers, and/or managers.*†

573. No change in Commission rules can be voted upon without first being submitted to the Commissioners.*†

574. A charge of $1 shall be made for the issuance of duplicate licenses in cases where the original has been lost.*†

575. A State Athletic Commissioner, Secretary, chief inspector or any inspector in attendance upon and supervising a contest or exhibition has the full power of the Commission in enforcing the rules and regulations of the Commission.*†

576. All changes in boxing rules must appear in the weekly bulletin following such changes.*†

577. Meetings of the State Athletic Commission may be held at the call of the chairman or by the request of three Commissioners by a telegraphic or written vote which shall be filed in the office of the Secretary. The Secretary shall mail or telegraph each of the Commissioners date and place of the meeting not less than 48 hours prior to the hour and date at which the meeting is to be held.

(a) The chairman of the Commission if and when he is absent from the State may designate another member to act as chairman.*†

*† For statutory and source citations, see note to §225.

578. In cases of infraction of the law, the rules and regulations, orders of the State Athletic Commission, or the failure to fulfill any contracts or agreements, it shall rest with the Commission to impose such penalties as may be deemed expedient.*†

579. Nothing in these rules is deemed to define or restrict the powers of the Commission in disciplining, penalizing or controlling any corporation or person under its jurisdiction for a violation of the letter or spirit of the law and rules as it may determine by particular action in any situation that may arise.*†

580. No license shall be granted to any person other than to a person of the male sex to act in the capacity of referee, boxer, wrestler, second or in any other capacity that requires such person to be actually present in the ring during any professional or amateur boxing or wrestling contest or exhibition in the State of California nor shall any person other than a person of the male sex be permitted in the ring while any such contest or exhibition is being actually engaged in.*†

581. Persons holding licenses from the Commission must not issue statements relative to policy or other matters that should come from the Commission direct. Referees and judges must deliver their score cards immediately after rendering their decision, to the inspector in charge of the show. The inspector may then show the cards to accredited press representatives and immediately after mail them to the chief inspector. The Commission reserves the exclusive right to issue statements to the press regarding matters that relate to policy and the administration of its affairs.*†

582. Commission members or personnel shall not officiate in any contests or exhibitions as a referee or in any other capacity that licensees pay a fee to engage in.*†

583. No provisions or declarations above in relation to any powers or privileges of any persons, clubs or organizations shall in any manner limit the power of the Commission in the assessment of fines, suspensions or control in relation to boxing in the State of California.*†

*† For statutory and source citations, see note to §225.

CALIFORNIA ADMINISTRATIVE CODE

(Title 4) Athletic Commission (Professional Boxing)

Cross Reference Table No. 1 indicates the origin of each section of the code. Cross Reference Table No. 2 indicates the disposition in the code of the former sections of the Rules and Regulations issued by said Commission.

Cross Reference Table No. 1

Origin of California Administrative Code

California Administrative Code Section	*Origin Athletic Commission Rules and Regulations Edition 1942 Rule*	*California Administrative Code Section*	*Origin Athletic Commission Rules and Regulations Edition 1942 Rule*
225	1	272	38
228	2	273	39
229	3	274	40
232	4	275	41
233	5	276	42
234	6	277	43
235	7	278	44
236	8	279	45
237	9	280	46
238	10	281	47
239	11	282	48
240	12	283	49
241	13	283(a)	49.1
242	14	283(b)	49.2
243	15	283(c)	49.3
244	16	284	50
245	17	285	51
248	18	286	52
249	19	287	53
249(a)	19.1	288	54
250	20	291	55
253	21	292	56
256	22	293	57
257	23	294	58
258	24	295	59
259	25	296	60
260	26	297	61
261	27	298	62
262	28	315	63
263	29	316	64
264	30	317	65
265	31	318	66
266	32	319	67
267	33	320	68
268	34	321	69
269	35	324	70
270	36	325	71
271	37	326	72
271(a)	37.1	327	73
271(b)	37.2	328	74

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California Administrative Code Section	*Origin Athletic Commission Rules and Regulations Edition 1942 Rule*
329	75
330	76
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336	82
337	83
340	84
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434	152
435	153
436	154
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440	156
441	157
442	158
443	159
446	160
447	161
448	161.1
451	162
452	163
453	164
454	165
455	166
456	167
457	168
458	169
459	170
460	171
461	172
462	173
465	174
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501	184
502	185
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Cross Reference Table No. 1—Continued

Origin of California Administrative Code—Continued

California Administrative Code Section	*Origin Athletic Commission Rules and Regulations Edition 1942 Rule*	*California Administrative Code Section*	*Origin Athletic Commission Rules and Regulations Edition 1942 Rule*
510	193	550	227
511	194	551	228
514	195	552	229
515	196	553	230
516	197	554	231
517	198	555	232
518	199	556	233
519	200	557	234
522	201	558	235
523	202	559	236
524	203	560	237
525	204	561	238
526	205	562	239
527	206	563	240
528	207	564	241
529	208	565	242
530	209	566	243
531	210	567	244
532	211	568	245
533	212	569	246
534	213	570	247
535	214	571	248
536	215	572	249
537	216	573	250
538	217	574	251
539	218	575	252
540	219	576	253
543	220	577	254
544	221	577(a)	254.1
545	222	578	255
546	223	579	256
546(a)	223.1	580	257
547	224	581	258
548	225	582	259
549	226	583	260

Cross Reference Table No. 2

Disposition of former sections of the said Rules and Regulations in the California Administrative Code

Athletic Commission Rules and Regulations Edition 1942 Rule	*California Administrative Code Section*	*Athletic Commission Rules and Regulations Edition 1942 Rule*	*California Administrative Code Section*
1	225	48	282
2	228	49	283
3	229	49.1	283(a)
4	232	49.2	283(b)
5	233	49.3	283(c)
6	234	50	284
7	235	51	285
8	236	52	286
9	237	53	287
10	238	54	288
11	239	55	291
12	240	56	292
13	241	57	293
14	242	58	294
15	243	59	295
16	244	60	296
17	245	61	297
18	248	62	298
19	249	63	315
19.1	249(a)	64	316
20	250	65	317
21	253	66	318
22	256	67	319
23	257	68	320
24	258	69	321
25	259	70	324
26	260	71	325
27	261	72	326
28	262	73	327
29	263	74	328
30	264	75	329
31	265	76	330
32	266	77	331
33	267	78	332
34	268	79	333
35	269	80	334
36	270	81	335
37	271	82	336
37.1	271(a)	83	337
37.2	271(b)	84	340
38	272	85	343
39	273	86	344
40	274	87	345
41	275	88	348
42	276	89	349
43	277	90	350
44	278	91	351
45	279	92	352
46	280	93	353
47	281	94	354

Cross Reference Table No. 2—Continued

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95	355	156	440
96	356	157	441
97	359	158	442
98	360	159	443
99	361	160	446
100	362	161	447
101	363	161.1	448
102	364	162	451
103	365	163	452
104	366	164	453
105	367	165	454
106	368	166	455
107	369	167	456
108	370	168	457
109	371	169	458
110	372	170	459
111	373	171	460
112	374	172	461
113	375	173	462
114	376	174	465
115	377	175	466
117	378	176	467
118	379	177	468
119	380	178	469
120	381	179	470
121	382	180	471
122	400	181	472
123	401	182	473
124	402	183	500
125	403	184	501
126	404	185	502
127	405	186	503
128	406	187	504
129	407	188	505
130	408	189	506
131	409	190	507
132	410	191	508
133	411	192	509
134	412	193	510
135	415	194	511
136	416	195	514
137	417	196	515
138	418	197	516
139	419	198	517
140	420	199	518
141	421	200	519
142	422	201	522
143	423	202	523
144	424	203	524
145	425	204	525
146	426	205	526
147	429	206	527
148	430	207	528
149	431	208	529
150	432	209	530
151	433	210	531
152	434	211	532
153	435	212	533
154	436	213	534
155	439	214	535

Cross Reference Table No. 2—Continued

Athletic Commission Rules and Regulations Edition 1942 Rule	*California Administrative Code Section*	*Athletic Commission Rules and Regulations Edition 1942 Rule*	*California Administrative Code Section*
215	536	238	561
216	537	239	562
217	538	240	563
218	539	241	564
219	540	242	565
220	543	243	566
221	544	244	567
222	545	245	568
223	546	246	569
223.1	546(a)	247	570
224	547	248	571
225	548	249	572
226	549	250	573
227	550	251	574
228	551	252	575
229	552	253	576
230	553	254	577
231	554	254.1	577(a)
232	555	255	578
233	556	256	579
234	557	257	580
235	558	258	581
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237	560	260	583

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SUBCHAPTER 2. AMATEUR BOXING RULES

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3. Registration of Amateurs
4. Amateur Club Licenses
5. Equipment
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7. Weighing-In
8. Weights and Divisions
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10. Judges and Judging of Amateur Boxing Contests
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14. Tournaments
15. Boxing Costumes
16. Miscellaneous Provisions

Article 1. General Provisions

600. The rules and regulations contained in Subchapter 2 are based upon the authority granted in Section 412, Penal Code, and Section 14 (a) of the Initiative Measure approved by the electors November 4, 1924, printed in Statutes 1925 at page LXXXIX, and Section 18624, Business and Professions Code.

NOTE—§§600 to 976, inclusive, issued under the authority contained in Section 412, Penal Code, Section 14 (a), Statutes 1925, page LXXXIX, and Section 18624, Business and Professions Code.

601. Unless the context otherwise requires, the provisions of this Article shall govern the construction of these rules.*†

602. Unless otherwise expressly provided in these rules of amateur boxing, they shall apply exclusively to amateur boxing, and all amateur boxing contests shall be conducted in accordance with these rules.*†

603. "Commission" means the State Athletic Commission of California.*†

604. Any question which may arise concerning the interpretation or application of these rules during the course of any amateur boxing contest, shall be decided by the referee of that contest.*†

605. "Boxing contest" or "contest" includes any match, contest or exhibition in which registered amateur boxers participate.*†

606. "Club" means any person, firm, club, organization or corporation, to whom an amateur club license has been issued by the Commission.*†

607. If any subject is not covered by the express provisions of these rules, the rules for the conduct of amateur boxing contests as adopted by the American Olympic Association and the Amateur Athletic Union of the United States shall apply. However, if a controversy arises in connection with any subject which is not covered by the express provisions of these rules, the Commission reserves the right to finally pass

*† For statutory and source citations, see note to §600.

upon the matter and to make whatever decision it deems to be fair and equitable under all the circumstances, and such decision shall be final.*†

Article 2. Amateur Status

610. No person shall be recognized as an amateur or be permitted to engage in any amateur boxing contest unless he has the status of an amateur as that term is defined in Section 412 of the Penal Code.*†

611. All amateurs shall be certified as such by either the Amateur Athletic Union of the United States, an amateur association recognized by the Commission, boards of education, or the Commission, before being allowed to compete in any boxing contest in this State.*†

Article 3. Registration of Amateurs

614. No amateur shall be permitted to take part in a boxing contest unless he:

(a) Has attained his 18th birthday.

(b) Is a registered amateur in the district in which he competes.

(c) Has his registration card in his possession or has filed a complete application for registration.

(d) Has been in training for a period of at least 30 days prior to entering the contest if he has had no previous experience or for a period of at least 15 days prior to the contest if he has had previous experience.

(e) Has the written consent of his parents or guardian to box, if he is attending school, or if there is any question as to his age.

(f) Has been examined immediately before the contest by a physician duly licensed by the Commission.*†

615. Inspectors of the Commission shall take applications for registration cards from duly certified amateurs at any time and shall issue the registration cards showing that the applicant is a duly registered amateur boxer.*†

616. The Commission, through its inspectors, officers, agents, servants and employees shall keep and maintain for the use of the Commission a permanent record of all registration cards issued to amateur boxers under these rules.*†

617. Any registration fees collected by any State Inspector shall be sent immediately to the office of the Commission in the district in which such registration fees are collected.*†

Article 4. Amateur Club Licenses

620. The Commission may, in accordance with Article 4, Chapter 2, Division 8, Business and Professions Code governing boxing and wrestling contests, issue amateur club licenses to any person, firm, club, organization or corporation on application therefor who complies with that Article and the rules and regulations now in effect or hereafter adopted by the Commission.*†

*† For statutory and source citations, see note to §600.

621. Amateur club licenses shall only be issued to persons, organizations or clubs which agree to cooperate with the Commission to the fullest extent in any program which the Commission may sanction or require for the best interests of amateur boxing and the contestants. Before any such license is issued the inspector in charge of amateur boxing in the district in which the club is to be located shall call the applicant's attention to this particular rule as well as to other rules and regulations governing amateur boxing.*†

622. Persons, organizations or clubs making application for amateur club licenses shall furnish the Commission with a surety bond in the amount of $250. This bond shall be conditioned upon the payment of referees, the club physician, announcers, the timekeeper, coaches and the mileage of boxers and shall be posted in addition to the $1,000 bond required by law and the 100 per cent bond required by Section 248 of the professional boxing rules, both of which must also be posted by clubs applying for amateur club licenses.*†

623. Amateur boxing clubs shall maintain well equipped gymnasiums under the supervision of a competent trainer approved by the Commission, and such gymnasiums shall be open for the convenience of the boys of the community in which the club is located, at least three days and evenings each week.*†

624. The license of any amateur club may be suspended or revoked at the will or pleasure of the Commission for violation of the laws or rules or regulations of the Commission or other cause deemed sufficient, after notice and a hearing on the facts.*†

Article 5. Equipment

627. Ring. (a) In all amateur boxing contests the ring shall be not less than 16 nor more than 24 feet square, and shall be formed of posts and ropes. The ropes shall be not less than one inch in diameter, covered with smooth hose, and shall extend in triple lines, two, three and four feet from the floor of the ring.

(b) The floor of the ring shall extend beyond the lower rope for a distance of not less than 18 inches.

(c) The ring posts shall be at least 18 inches removed from the ring ropes and must be properly padded.

(d) The ring floor shall be padded with felt or other soft material to a thickness of not less than one inch, extending over the entire platform of the ring, with a top covering of canvas, duck or similar material, untreated, tightly stretched and laced to the ring platform. Material that tends to gather in lumps shall not be used for padding.

(e) The ring shall be provided with suitable steps for the use of contestants, handlers and officials.*†

628. Gong. The gong or bell must be not less than 10 inches in diameter and loud enough for the officials and contestants to hear it clearly. It must be adjusted securely on a level with the ring platform, and the timekeeper shall use a metal hammer in indicating the beginning

*† For statutory and source citations, see note to §600.

and the end of rounds, so that the contestants can hear the sound of the gong or bell.*†

629. Obstructions. The entire ring platform shall be cleared of all obstructions, including buckets and stools, the instant the gong indicates the beginning of the round, and none of these articles shall be placed on the ring floor until the gong has sounded the end of the round.*†

630. Water Buckets and Bottles. (a) The club shall furnish a sufficient number of buckets for the use of all contestants. The club shall also furnish fans, resin for canvas, stools for seconds, and such other articles as are required in the conduct of contests.

(b) The club shall furnish each contestant with an individual sponge and water bottle. The use of a common sponge or water bottle for all contestants is strictly prohibited.*†

631. Gloves. (a) Boxing gloves shall be not less than eight ounces in weight in all classes of 160 pounds and under, and not less than 10 ounces in weight in all classes over 160 pounds.

(b) All gloves shall be furnished by the club conducting the tournament or boxing contests. The soft padding of the gloves between the outside and the inside covering shall not be displaced or broken and shall be evenly distributed over the back of the gloves and cover the knuckles and back of the hands.

(c) The Inspector shall examine the gloves of both contestants before the contest to see that they conform to these rules. The referee or the Inspector may order new sets of gloves if he considers the ones worn by the contestants unsatisfactory, and the clubs conducting the boxing contests or tournaments must have sufficient sets of gloves on hand for such a contingency.*†

632. Bandages if used on the hands of amateur boxers shall not exceed the following restrictions: One winding of surgeon's adhesive tape not over one and one-half inches wide, placed directly on the hand to protect that part of the hand near the wrist. This may cross the back of the hand twice, but not extend within one inch of the knuckles, and soft surgical bandage not over two inches wide, held in place by not more than two feet of surgeon's adhesive tape for each hand. One 10-yard roll of bandage shall make the wrappings for each hand.

Bandages shall be adjusted in the dressing room under the supervision of a club official and in the presence of both contestants or in such other manner as the Inspector may determine.*†

633. Scales. The club shall furnish scales of standard make which shall have been thoroughly tested and approved previous to use each day or night when contests are to be held.*†

Article 6. Amateur Boxing Officials

636. General. The Boxing Committee of each association of the Amateur Athletic Union in California shall, in conjunction with, and with the approval of the representatives of the Commission, prepare an

*† For statutory and source citations, see note to §600.

official list of competent boxing officials to serve as referees, matchmakers, judges, weighers, timers, physicians, announcers and other officials.*†

637. No professional boxing promoter, manager, or any other person identified with professional boxing, shall be allowed to promote or conduct any amateur boxing contest.*†

638. One or more club physicians licensed by the Commission must be in attendance at all times during any amateur boxing tournament or amateur boxing contest, prepared to deal with any emergency which may arise. The club physician shall thoroughly examine each contestant both immediately before and after each contest.*†

639. Every amateur boxing club must employ a matchmaker who has been licensed by the Commission. However, if the matchmaker is the owner or part owner or a partner in the club, then such person need not obtain a matchmaker's license. In this case, the application for a club license must show that the matchmaker is the owner or partner in the club and, in the latter case, must specify the percentage of the club owned by such matchmaker. This rule shall not apply to A.A.U., Golden Gloves, or similar tournaments.*†

640. Referee. (a) The referee is the only person, other than the contestants, who, during the progress of the round, may be in the ring. He shall, before each contest, call the boxers together in the center of the ring for final instructions as to the observance of the rules. He shall see that all rules are obeyed during the contest, and warn any competitor who infringes such rules, or disqualify him, in accordance with the seriousness of the violation. The referee shall use three words of command, namely: When stopping the boxing, "Stop"; when telling the boxers to continue, "Box"; when breaking a clinch, "Break." At the command "Break," both competitors must step back before continuing boxing.

(b) The referee and the Commission Inspector shall examine the hands and gloves of each boxer and make sure no foreign substance has been applied to either the gloves or the bodies of the boxers to the detriment of the opponent.

(c) The referee shall have the power to stop a contest, if in his opinion a man is outclassed or unfit to continue, and that man shall be deemed to have lost the contest. He may also stop a contest if he considers the competitors are not in earnest, in which case he may disqualify one or both.*†

641. A boxer is considered "down" if he touches the floor with any part of his body other than his feet, or if he hangs helplessly on the ropes, or if he is knocked through the ropes but not completely out of the ring, or refuses to continue the contest for any reason. If a competitor is down, his opponent shall retire to the farthest corner and shall not continue boxing until told to do so by the referee.*†

642. If a contestant is knocked down, his opponent must at once go to the farthest corner. He may continue against the opponent who has been knocked down only after the latter has arisen and on the ref-

*† For statutory and source citations, see note to §600.

eree's command, "Box." If the opponent does not go to the farthest corner on the command of the referee, the timekeeper, at the command of the referee, shall stop counting until the opponent has done so. On the command of the referee the counting shall be continued where it was interrupted.*†

643. If a boxer who has been knocked down gets up before the count of "ten" but falls again without having received a fresh blow, the timekeeper shall continue the counting of the seconds from where he stopped.*†

644. If both boxers go down at the same time, counting shall be continued as long as one of them is still down. If both boxers remain down until the count of "ten" the contest shall be stopped and the decision given in accordance with the points awarded prior to the knockdown.*†

645. The referee shall not allow a competitor to continue further if he remains down 10 seconds. The count of the referee shall be as follows: One and two and three and four and five and six and seven and eight and nine and ten, with or without any hand gesture.*†

646. A contestant who has been knocked or has fallen through the ropes and over the edge of the ring platform during a contest may be helped back by anyone except his seconds and the referee shall allow a reasonable time for his return. When on the ring platform outside the ropes the contestant must reenter the ring immediately, and he may either resume the contest or stay down for a count, which shall be started by the referee as soon as the fallen contestant is back in the ring.

If a contestant stalls for time outside the ropes the referee shall start the count without waiting for him to reenter the ring, and if he is not on his feet in the ring within 10 seconds shall declare him "knocked out."

When a contestant has fallen through the ropes the other shall retire to the farthest corner and stay there until the count is completed or his opponent is on his feet in the ring.

A contestant who deliberately wrestles or throws an opponent from the ring, or who hits him when he is partly out of the ring, and prevented by the ropes from assuming a position of defense shall be disqualified.*†

647. One of the most important duties of a referee is to carefully observe the physical well being of a boxer. If a contest becomes too one-sided and one of the contestants is receiving unnecessary punishment by reason of the superiority of the other, or, if in the opinion of the referee, one of the contestants by reason of the punishment which he received is unable to emerge the victor in a contest, the contest must be stopped in favor of the superior boxer in order, and only in order, to prevent unnecessary punishment likely to produce great bodily harm or injury.*†

648. If a boxer receives an injury causing blood to flow, the contest can not be interrupted for the purpose of stopping the flow of blood unless, in the opinion of the referee, the injury is such as to render the injured person incapable of going on. If the second can not stop the

*† For statutory and source citations, see note to §600.

bleeding during the one minute rest period, and if in the opinion of the referee the boxer may be suffering pain which puts him at a physical disadvantage, or is likely to be seriously injured, he should stop the contest without hesitation, notwithstanding the boxer may want to continue. The decision as to whether a boxer is unfit to continue remains exclusively with the referee, who should, if necessary, seek the opinion of the club physician. Without the special request of the referee, the club physician is not entitled to express his opinion as to the ability of the contestant to continue. The referee has the right, after consideration of the situation, to stop the contest, but at the same time it is his duty to see to it that the injured boxer, or the apparently weaker man, is not robbed prematurely of his chance of victory.

If the advice of the club physician is sought or invited and his advice is that an injured boxer should not continue, the referee shall strictly abide by such opinion and halt the contest and award the fight to the winner.*†

649. In doubtful cases, where the referee could not see what took place he may, before deciding, ask the opinion of the judges. In that case the round shall be stopped and the time taken out, and he must immediately demand the opinion of the judges. After having received the opinion of the judges, he shall either stop the contest and announce the result or immediately cause the round to continue.*†

650. Timekeeper. The timekeeper must be seated on the side of the ring close to the gong. He shall indicate the beginning and end of each round by striking the gong. He shall provide himself with a suitable stopwatch.

Ten seconds before the beginning of each round the timekeeper shall give warning to the seconds of contestants by the blowing of a whistle. If the contest terminates before the scheduled limit of rounds, the timekeeper shall inform the announcer of the exact duration of the contest.*†

651. The referee shall instruct the timekeeper to take time out when necessary.*†

652. If there is a knockdown the timekeeper shall immediately start his count loud enough to be heard by the referee, who after directing the opponent to go to the farthest corner, shall pick up the count from the timekeeper and proceed from there.

The timekeeper shall count "one and two and three and four and five and six and seven and eight and nine and ten" (total 10 seconds) with intervals of one second between each count. The referee's count is the official count.*†

653. If the boxer is ready to continue the contest before the referee has counted 10, the contest shall be continued. After the referee has counted 10, the contest shall be decided by the knockout.

The round begins at the signal of the timekeeper (gong or bell). A competitor failing to resume boxing after the rest between rounds, or who has been down for an interval of 10 seconds, shall lose the contest.*†

*† For statutory and source citations, see note to §600.

654. Announcer. The announcer shall announce the names of the referee, judges and timekeeper when the competitions are about to begin, also all changes made either in the referee, judges or timekeeper as the tournament progresses, so that the audience will know who the officials are for each contest.

He shall announce the names of all contestants, the weight of the class in which they are competing, the club they represent and the decisions of the judges and referee.

He shall collect the score sheets from the referee and the judges, compare them with the referee, and then make the announcement of the results.*†

655. Weighers. Two weighers shall be appointed for all tournaments and one may be a State Inspector. They shall be on hand at the time specified for the weighing to begin. They shall conduct the weighing in accordance with the rules and as each contestant weighs in have him sign his name under the class in which he is entered. These sheets shall be turned over to the Director of Bouts after the entrants are passed by the physician. The decisions of the weighers as to the weight of each entrant shall be final and nonappealable.*†

656. Seconds. Each competitor shall have one licensed second who may be furnished by the club, and he may have one assistant second who need not be licensed.

During the boxing period, no assistance, advice or encouragement shall be given a boxer by his seconds. Any second who violates these rules may be ejected from the ring corner, and in addition his principal may be disqualified by the referee.*†

657. Fans may be used between rounds. The swinging of towels is prohibited. Seconds shall leave the ring enclosure at least 10 seconds before the beginning of each round. They shall leave the ring platform and remove all obstructions, such as buckets and stools, promptly when the gong sounds for the beginning of each round.*†

658. Any licensed second who breaks an amateur boxing rule or advises a registered boxer to do so, shall be suspended for 60 days by the Commission.*†

659. Director of Bouts. The Director of Bouts shall attend to the drawings as specified in these rules.*†

Article 7. Weighing-In

662. The contestants shall weigh in within seven hours of a tournament or within three hours of a matched contest. Weighing-in shall take place each day in each class before the drawing commences for contests in that class. Competitors shall sign their names to a weighing list upon weighing-in and whenever demanded by the referee.*†

663. If upon weighing-in it is found that an entrant is over the required weight, he shall not be permitted to compete in that class in tournaments, but may at his own request be transferred to the next heavier class.*†

*† For statutory and source citations, see note to §600.

664. Any amateur boxer who weighs in and then fails to compete without a satisfactory excuse, shall be suspended for a period of 60 days. In championship tournaments, contestants shall be required to weigh in each day of the tournament. No contestant shall be allowed to compete in more than one class.*†

Article 8. Weights and Divisions

687. The following weights and divisions shall apply to all amateur tournaments and championship contests:

Flyweight	112 pounds and under
Bantamweight	118 pounds and under
Featherweight	126 pounds and under
Lightweight	135 pounds and under
Welterweight	147 pounds and under
Middleweight	160 pounds and under
Light Heavyweight	175 pounds and under
Heavyweight	over 175 pounds

The following weight differences shall apply to all other amateur boxing contests, except in matched bouts add 2 pounds to each class as given below:

Between Flyweights	(112 lbs.)--3 lbs.
Between Bantamweights	(118 lbs.)--3 lbs.
Between Featherweights	(126 lbs.)--5 lbs.
Between Lightweights	(135 lbs.)--5 lbs.
Between Welterweights	(147 lbs.)--5 lbs.
Between Middleweights	(160 lbs.)--7 lbs.
Between Light Heavyweights	(175 lbs.)--7 lbs.
Heavyweights, all over 175 pounds	No limitation.

For example, a flyweight weighing 110 pounds could not box an opponent weighing over 115 pounds; if he weighs 118 pounds his opponent could not exceed 123 pounds.*†

Article 9. Drawings in Tournaments

690. Immediately before the contest a competitor who has weighed in, or his representative, shall draw numbers to determine the contests he takes part in. The drawing shall be as follows:

Have the first preliminary round to reduce the number of competitors to 2, 4, 8, 16 and so on. (Thus if there are three competitors, have one preliminary contest to reduce to two; if five, have one contest to reduce to four; if six, have two contests to reduce to four; if seven, have three contests to reduce to four; if nine, have one contest to reduce to eight; if ten, have two contests to reduce to eight; if eleven, have three contests to reduce to eight, and so on.) Competitors drawing a bye on the first drawing on each day shall receive the lowest numbers on the second drawing. Thus, if there be one bye drawn, such competitor shall receive number 1; if two byes are drawn, such competitors shall receive numbers 1 and 2 for the second drawing, and if there be three byes, such

*† For statutory and source citations, see note to §600.

competitors shall receive the numbers 1, 2 and 3 in the second drawing. In all drawings where numbers 1, 2, 3, 4, and so on, are drawn, number 1 competes with number 2, 3 with 4, and so on. When the class is brought to a multiple of 2, 4, 8, or 16, the contest proceeds regularly to the final contest. Where the competition is not concluded in one day, there shall be a new drawing for each subsequent round of contests started on a following day. The winner of the final contest receives first prize and the loser receives second prize.*†

691. The following table of contests and byes shall apply to Section 690:

Number of Competitors	Contests	Byes	Number of Competitors	Contests	Byes
5	1	3	23	7	9
6	2	2	24	8	8
7	3	1	25	9	7
8	4	–	26	10	6
9	1	7	27	11	5
10	2	6	28	12	4
11	3	5	29	13	3
12	4	4	30	14	2
13	5	3	31	15	1
14	6	2	32	16	–
15	7	1	33	1	31
16	8	–	34	2	30
17	1	15	35	3	29
18	2	14	36	4	28
19	3	13	37	5	27
20	4	12	38	6	26
21	5	11	39	7	25
22	6	10	40	8	24

No contestant shall receive more than one bye in any class in any tournament. In championship meetings, the Commission shall have the right to seed competitors from the same club.*†

Article 10. Judges and Judging of Amateur Boxing Contests

694. In matched bouts, judges need not be used, the referee rendering the decision if there are no judges officiating, but in tournaments there shall be two or three judges, who shall sit at opposite sides of the ring. Each judge shall reach his decision without conferring in any manner with any other official or person. The judges shall make out a score card to the best of their knowledge and ability and in accordance with the provisions of these rules. Points for each round shall be awarded immediately after the termination of the round. At the end of the contest a decision must be written on the score card. The score card shall be signed by each judge.

Judges at amateur bouts shall be appointed by the Commission or by its Chief Inspector, or by the Inspector in charge of the show at which such judges are to be used.*†

*† For statutory and source citations, see note to §600.

695. The referee shall score in the same manner as the judges, and his score shall be included with the score of the judges in determining the winner. When three judges are used, the referee does not score.*†

696. At the end of each round, the better boxer receives 20 points and his opponent proportionately less. If the round is even, each boxer receives 20 points. No fractions of points can be given. The judge shall award his decision to the boxer who at the end of the contest has the highest total; write his decision on the score card, and hand it to the referee or announcer.*†

697. A winner shall be declared in tournaments, but in matched contests where both boxers have an equal number of points a draw decision may be given. If at the end of the contest in tournaments both boxers have an equal number of points, the judges' decision shall be given to the boxer who has done most of the leading off, or who has shown the better style.*†

698. In awarding points the following shall be taken into consideration:

(a) Number of hits. Points shall be awarded for direct, clean hits with the knuckle part of the closed glove on any part of the front or side of the head or body above the belt. Hits on the arms do not count. Backhand blows do not count.

(b) Defense. Credit shall be given for successfully avoiding blows, so that the attack of the opponent misses.

(c) Attacking and tactics shall be considered at the end of each round when awarding the points for the round.

(d) Foul blows must not be counted in awarding points for hits. If the referee warns one of the competitors for a foul, the judges shall award points to the other competitor.*†

699. After each contest the judges' score cards shall be collected by the announcer and, after announcing the result shall be handed to the boxing officials designated by the boxing committee, to be kept in safe custody, and shall only be available for inspection on an appeal by an accredited representative of the club making the appeal, or representatives of the Commission.*†

Article 11. Rounds

702. Amateur boxing contests may be held within this State of a limited number of rounds not exceeding four of a duration of not more than two minutes each, and the rest period between each round shall be one minute or three rounds of a duration of three minutes each and the rest period between each round shall be one minute.*†

703. Sanctions shall be granted for contests in tournaments of three rounds of not more than three minutes duration, or for contests not to exceed four rounds of two minutes duration. In any case the

*† For statutory and source citations, see note to §600.

interval between each round shall be one minute. Amateur championships shall be three rounds of three minutes each.*†

704. When sanctions are granted for tournaments, the number of rounds to be contested and the duration thereof shall be announced on the entry blank and program. At the conclusion of the last round, the judges and referee must make a decision in favor of one of the contestants, which decision shall be final.*†

705. Any boxer who competes in an amateur boxing contest of a longer duration than is permitted by this Article shall be suspended for such period as the Commission shall decide.*†

Article 12. Decisions

708. Decisions can be of five kinds:

(a) Win by "knockout." A competitor is knocked out if he refuses or is unable to continue the contest before the referee's count of ten.

(b) Win by retirement of opponent. This decision shall be awarded in case of an accident to an opponent which causes incapacity to box. The right to decide whether such incapacity exists belongs to the referee. The club physician has no authority to act contrary to the will of the referee.

(c) Win through disqualification of opponent.

(d) Win by decision on points. The contestant receiving the greatest number of points from the judges shall be declared the winner.

(e) "Draw." When the contest is so even that neither contestant can be declared a winner the decision may be a "draw," except in tournaments.*†

Article 13. Fouls

711. Any competitor who does not obey the instructions of the referee, violates the boxing rules, boxes in an unsportsmanlike manner or commits fouls may be warned or disqualified without warning, by the referee.*†

712. The following constitute fouls:

(a) Hitting or holding below the belt, tripping, kicking, or butting with foot or knee.

(b) Hitting with head, shoulder, forearm, elbow, throttling of opponent, pressing with arm or elbow in opponent's face, or pressing head of opponent back over the ropes.

(c) Hitting with open glove, the inside of the glove, wrist, or side of the hand.

(d) Hitting opponent on the back, especially any blow landing on back of neck, and kidney punch.

(e) Pivot blows.

(f) Attacking while holding the ropes, or making any use of the ropes.

(g) Wrestling, lying on, and throwing in a clinch.

*† For statutory and source citations, see note to §600.

(h) Attacking an opponent who is down.

(i) Clinching, holding or locking opponent's arms or head, or pushing a stiff arm underneath arm of opponent.

(j) Holding and hitting or pulling and hitting.

(k) Staging a completely passive defense by means of double cover or intentionally falling to avoid a blow.

(*l*) Making useless, aggressive or offensive utterances during the round.*†

713. If a boxer receives a foul blow and declares himself unable to continue the contest, the referee may, if he saw the foul committed, and if in his opinion the victim is unable to continue because of the foul blow, stop the contest, disqualify the opponent and award the decision to the victim.*†

Article 14. Tournaments

717. No amateur shall be permitted to participate in any boxing contest on more than two days in any seven, except in regularly sanctioned tournaments requiring more than two days to complete, and no amateur boxer shall be permitted to engage in any amateur boxing contest on more than one day in any seven where such boxer is a minor and still in school, except in tournaments.

Tournaments or championships shall not be allowed to continue after midnight in any one night.

Any violation of this rule shall automatically suspend the offender from holding, or engaging in, further amateur competition. The Commission may for good cause, reinstate any person who violates the provisions of this rule.*†

718. If the entries in any tournament are so numerous that the contests can not be finished in the one or two nights for which they are scheduled, another night or nights must be selected for the semi-finals, unless an afternoon session is arranged, in which case the competitors shall be allowed at least three hours for a rest and a meal between the afternoon and evening sessions.*†

719. The maximum number of rounds in any tournament shall not exceed 150 for any one day.

No tournament shall be advertised or held without the written consent of the Commission.*†

720. Championship tournaments shall be awarded by the Commission and the A. A. U. Boxing Committee to clubs or persons deemed eligible to conduct such tournaments under these rules.*†

721. A champion who is found to have been ineligible at the time he won his championship shall forfeit the same, and all those defeated by him shall box again to determine a new champion, and the ineligible boxer shall return all prizes or medals won by him.*†

*† For statutory and source citations, see note to §600.

Article 15. Boxing Costumes

740. An amateur in order to compete in any contest must be clean, properly attired, and wearing a protection cup which has been listed as approved by the Commission. The protection cup shall be firmly adjusted before the contestant leaves the dressing room.*†

741. Amateurs shall box in light shoes without spikes, cleats, hard soles or hard heels, and must wear regulation trunks which are loose fitting and made of lightweight cloth similar to an athlete's "running pants."

The belt of the trunks shall not extend above the waist line. Swimming trunks shall not be worn.*†

742. No metal, straps, buckles, necklaces or any other object which may cause injury shall be worn during any contest.*†

743. The use of grease or other substances on the body or face of a contestant which may handicap an opponent is prohibited.*†

744. Mouthpieces that have been inspected and approved by the examining or club physician may be worn.*†

Article 16. Miscellaneous Provisions

747. The Commission shall investigate all complaints or protests received by it which charge any violation of law, these rules, or the amateur code, and render its decision thereon within 30 days. The decision of the Commission shall be final and binding.*†

748. Matched amateur boxing contests are permitted but such contests shall not exceed four rounds having a duration of two minutes each or three rounds having a duration of three minutes each.*†

749. A matched amateur boxing show shall not exceed 36 rounds of boxing nor shall it continue after midnight.*†

750. If a matched amateur boxing contest ends in a draw, the same contestants shall not be rematched within 21 days.*†

751. An amateur who fails to compete after entering an event, and who does not furnish a satisfactory excuse for his failure to do so may be censored or suspended upon the recommendation of a representative of the Commission and the organization with which such amateur boxer is registered. This rule applies to matched bouts only.*†

752. All amateurs must enter and compete in all boxing contests or tournaments under their own names. The use of a ring name or nickname is prohibited.*†

753. Amateurs who represent a club or other organization, not a member of a district association of the Amateur Athletic Union, in any tournament shall be listed on the program as "Unattached." This rule does not apply to matched bouts.*†

*† For statutory and source citations, see note to §600.

754. A boxer competing in any contest for any club or promoter, not a licensee of this Commission, may be indefinitely suspended.*†

755. Any person or club using any subterfuge to avoid the supervision of the Commission or the payment to the Commission of tax as required by law shall be prosecuted by the proper legal authorities on the complaint of the Commission.*†

756. Any manager or other person licensed by the Commission who is found guilty of attempting to take an amateur boxer away from the handler or trainer who started him, shall be suspended for 90 days for the first offense, and six months for the second offense. All disputes or misunderstandings arising between amateur boxers and their handlers shall be submitted to the supervisor of amateur boxing for the Commission in the district, and the Amateur Athletic Union Boxing Committee for arbitration. Their decision shall be final, as far as the Commission's interest in the case is concerned.*†

757. Any amateur boxing promoter, matchmaker, handler or trainer who uses or causes any amateur boxer to be used in an amateur boxing contest without first ascertaining whether the boxer is old enough to engage in amateur boxing or whether he is a registered amateur and whether his parents or guardian have consented to his boxing, if he is still attending school, shall be suspended by the Commission for such period as the Commission deems just.

Any amateur boxing promoter, matchmaker, handler or trainer who uses or induces any amateur boxer to compete in any contest who has not been in training for at least 15 days prior to the contest, or who has had no previous experience and has not been in training for a period of at least 30 days prior to the contest, shall be suspended by the Commission for such period as the Commission deems just.*†

758. Transportation expenses of contestants shall be paid immediately after the contest and in the presence of the State inspector. Each contestant and his handler shall sign for the amount each receives on forms furnished by the Commission.

Each contestant may receive:

(a) His train fare (first class, including Pullman, if any) from his residence to the place where the contest is held and return; and

(b) An allowance for meals, hotel accommodations and laundry, which shall not exceed:

(1) $4.00 where the contestant travels one to 50 miles one way;

(2) $5.00 where the contestant travels 50 to 100 miles or more one way;

(3) $7.50 where the contestant travels 100 to 150 miles one way;

(4) $8.50 where the contestant travels over 150 miles one way.

No other prizes or rewards shall be given except in accordance with the provisions of Section 412 of the Penal Code.

Contestants traveling the same number of miles to reach the club shall receive like amounts, regardless of the place he appears on the card.*†

*† For statutory and source citations, see note to §600.

759. Amateur boxers shall, upon demand, show their amateur registration card to the State inspector in charge of the contest.*†

760. At the beginning and at the end of each amateur boxing contest, the contestants shall shake hands in the proper manner, as a sign of a purely sporting and friendly rivalry. Any other shaking of hands in the ring is prohibited.*†

761. No amateur boxing contest shall be held in conjunction with vaudeville shows, dances, or entertainments of any sort. No amateur boxing contests shall be conducted in connection with any professional boxing or wrestling show unless written permission to do so is obtained in advance from the Commission, and the amateur association of which the competing amateur boxers are registered members.*†

762. Advance notices for all amateur shows must be filed in the offices of the Secretary and Chief Inspectors at least six days before date of the show.

Advance notices submitted by amateur clubs must show the names and weights of all boxers on the card for which the advance notice is sent and such advance notices must be accompanied by signed entry blanks from every contestant on the card. These entry blanks will be supplied by the Commission and will contain an agreement by the signer thereof to be present at the show specified.

Failure to observe this rule will result in fine for first offense and a second offense may result in suspension or revocation of club license.*†

763. Any licensee of the Commission who is found to be intoxicated or to be using, or to have in his possession, any distilled spirits, or to be conducting himself in a disorderly manner, on the premises of any amateur boxing club or in the presence of any amateur boxer may be suspended for such time as the Commission deems proper.

Any licensee of the Commission who fails to obey the instructions of the inspector in charge of any amateur boxing contest or who fails to obey the instructions of the referee during the progress of any contest may be suspended for such time as the Commission deems proper.*†

764. The supervisor of amateur boxing, or the inspector in charge of any amateur boxing contest, may deny any amateur boxer the right to compete if in the opinion of the supervisor or inspector the boxer is not properly trained, is not of proper age, or is lacking in experience.

The supervisor of amateur boxing, or the inspector in charge of any amateur boxing contest, may also deny any amateur boxer the right to compete in any contest if in the opinion of the supervisor or the inspector the contest might prove to be injurious to the health or welfare of the contestant.

Any boxer who is denied the right to compete in any contest by the supervisor of amateur boxing or the inspector in charge of any amateur boxing contest may present his case to the Commission for a hearing.*†

765. Any amateur boxer may be required to take an annual physical examination, and furnish the Commission with a written report from a physician approved by the Commission, showing his physical and mental fitness to engage in boxing contests. This examination shall be in addition to the regular examination required before each contest.*†

*† For statutory and source citations, see note to §600.

CALIFORNIA ADMINISTRATIVE CODE

(Title 4) Athletic Commission (Amateur Boxing)

Cross Reference Table No. 1 indicates the origin of each section of the code. Cross Reference Table No. 2 indicates the disposition in the code of the former sections of the Rules and Regulations issued by said Commission.

Cross Reference Table No. 1

Origin of California Administrative Code

California Administrative Code Section	*Origin Athletic Commission Rules and Regulations Edition 1942 Rule*	*California Administrative Code Section*	*Origin Athletic Commission Rules and Regulations Edition 1942 Rule*
600	301	656	355
601	302	657	356
602	303	658	357
603	304	659	358
604	305	662	359
605	306	663	360
606	307	664	361
607	308	687	362
610	309	690	363
611	310	691	364
614	311	694	365
615	312	695	366
616	313	696	367
617	314	697	368
620	315	698	369
621	316	699	370
622	317	702	371
623	318	703	372
624	319	704	373
627(a)	320	705	374
627(b)	321	708	375
627(c)	322	711	376
627(d)	323	712	377
627(e)	324	713	378
628	325	717	379
629	326	718	380
630(a)	327	719	381
630(b)	328	720	382
631(a)(b)	329	721	383
631(c)	330	740	384
632	331	741	385
633	332	742	386
636	333	743	387
637	334	744	388
638	335	747	389
639	336	748	390
640(a)	337	749	391
640(b)	338	750	392
640(c)	339	751	393
641	340	752	394
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SUBCHAPTER 3. WRESTLING RULES

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Article 1. General Provisions

800. Unless the context otherwise requires, the provisions of this Article shall govern the construction of these rules.*†

801. "Promoter" and "club" are synonymous and mean and include any person, club, corporation, organization or association licensed under the act to conduct, hold or give wrestling contests, matches or exhibitions.*†

802. "Act" refers to the Initiative Measure approved by the electors November 4, 1924, and printed in Statutes 1925, at page LXXXIX.*†

803. "Match" includes any contest or exhibition in which licensed wrestlers participate.*†

804. "Matchmaker" is any person employed by a promoter for the purpose of arranging for or employing or otherwise securing the services of licensed wrestlers for participation in wrestling matches. Every person desiring to act as a matchmaker shall upon being employed for that purpose file with the Commission written authority from the promoter by whom he is employed, authorizing him to act as a matchmaker for and on behalf of the promoter.*†

805. If any subject is not covered by the express provisions of these rules, the provisions of the professional boxing rules and regulations adopted by the Commission, insofar as the same are applicable, shall apply thereto.*†

806. Except as otherwise expressly provided in these rules, the Commission shall fix the penalty to be imposed for the violation of these rules according to the circumstances of each particular case. Such penalties may include, but are not limited to, the suspension or revocation of licenses, the forfeiture of purses and the imposition of fines.*†

807. "Purse" means the prize, percentage or other remuneration for which contestants are competing.*†

*† For statutory and source citations, see note to §600.

808. "Commission" means the State Athletic Commission of California.*†

Article 2. Wrestler's Licenses

813. No wrestler's license shall be issued to any person who is over 55 or under 18 years of age. All applications for wrestlers' licenses must be in writing, must be verified by a notary public, and must be accompanied by a satisfactory report from a licensed examining physician stating that the applicant is in good physical condition, has no evidence of Trachoma or other infectious eye diseases and must be accompanied by a receipt from such examining physician certifying that the fees for such examinations have been paid. Any person who gives incorrect information in any application for a wrestler's license may be permanently suspended by the Commission, and any purse to which he might otherwise be entitled may be confiscated.*†

814. Every applicant for a wrestler's license shall furnish positive proof that he is the person he represents himself to be. He may be required to give a true record of all matches in which he has engaged, including wins, draws and losses for at least the last year in which he participated actively in the sport.*†

Article 3. Ring

819. (a) The professional boxing rules governing the size, construction and equipment of boxing rings shall apply to wrestling rings, except as otherwise provided in this Section.

(b) The ring floor shall be padded to a thickness of at least one and one-half inches. A regular one-piece wrestling mat is to be preferred, although soft padding of proper thickness may be used with a top covering of clean canvas tightly stretched and laced to the ring platform.

(c) Any mat or padding and canvas covering which has been used for boxing matches shall not be used for wrestling matches until the mat or the canvas covering has been washed and is free from rosin.

(d) The promoter shall keep the mat or padding and covering in a clean and sanitary condition.*†

Article 4. Weights and Weighing Time

824. The weights of the various classes in wrestling shall be the same as for boxing.*†

825. Agreements among or between promoters to use only wrestlers in a certain weight division are specifically prohibited. A promoter may bill wrestlers of any weight, and discrimination against him for doing so constitutes a violation of these rules on the part of all licensees responsible for the discrimination.*†

Article 5. Selection of Match Officials

829. The Commission shall appoint the referee, timekeeper and other officials at all wrestling matches.*†

*† For statutory and source citations, see note to §600.

Article 6. Referees

832. Promoters, managers and contestants may file objections to the naming of specified referees for particular matches and all such objections must be in writing and filed with the Commission not later than five days before the date of the match.*†

833. The Commission, in selecting a referee, may take into consideration all written objections filed with it. The referees shall be named at least 48 hours before the match. No appeal may be taken from any appointments so made by the Commission. The Commission shall fix the fee to be paid the referee and referees shall be paid on the same basis as boxing referees are paid in accordance with the provisions of Section 284.*†

Article 7. Duties of Referees

836. The referee is the principal match official and shall represent the Commission. He shall be responsible for the proper conduct of the match and the enforcement of the act and the rules and regulations of the Commission.*†

837. Before starting a match, the referee shall call the wrestlers to the center of the ring for final instructions. All final instructions shall be strictly complied with.*†

838. The referee shall pick up the timekeeper's call of time every five minutes and relay it to the wrestlers in a loud voice.*†

839. The referee shall order the wrestlers to break clean whenever they become entangled in or on the ropes so that either of the contestants is at a disadvantage in breaking away from a hold or applying a hold. Upon breaking, the contestants shall immediately rise and go to the center of the ring and resume wrestling.*†

840. The referee shall get the time required for each fall from the timekeeper and repeat it to the announcer, together with the name of the hold used in securing each fall.*†

841. The referee shall indicate the winner of the match by raising the winning contestant's right hand.*†

842. The referee shall warn seconds not to touch their man during the match or to give him advice until a rest period is reached.*†

Article 8. Timekeepers

855. There shall be a timekeeper appointed by the Commission present at all matches. He shall officially keep time and follow the instructions of the referee.*†

856. The timekeeper shall take his cue to commence time in any match from the nod of the referee and shall sound the gong simultaneously with the referee's call of "time."*†

*† For statutory and source citations, see note to §600.

857. At the termination of each five-minute period, the timekeeper shall call out the time that the contestants have been wrestling sufficiently loud for the referee to hear, as "five minutes," "ten minutes," etc.*†

858. In time limit matches the timekeeper shall sound the gong at the end of the designated time limit to indicate the end of the match. If the length of any time limit match is one hour or less, rest periods shall be excluded as part of the time of the match, but if the time limit for a match is more than one hour all rest periods must be included by the timekeeper as a part of the time of the match.*†

859. In matches of one fall, he shall sound the gong when the referee announces the winner, and he shall announce the time of the fall to the referee.*†

860. In matches of two or more falls, he shall sound the gong when the referee announces the winner of the fall and again at the end of the five minute rest period when the contestants resume the match for the next fall. He shall take his cue from the nod of the referee as in starting the match.*†

Article 9. Club Physicians

865. A club physician selected and licensed by the Commission shall examine all wrestlers before they enter the ring for a match, and no wrestler shall be permitted to wrestle who is suffering from any disability, physical, functional or organic, which will interfere with or prevent him from giving a full, complete and satisfactory exhibition of his ability and skill.*†

866. Any wrestler applying for a license must first be examined by a physician who has been licensed by the Commission as an examining physician to establish both physical and mental fitness for competition and annually thereafter the wrestler must take this required examination. Additionally, every wrestler applying to this Commission for a license must be examined annually by an eye specialist appointed or licensed by this Commission to examine the wrestler's eyes, particularly for evidence of Trachoma. No wrestler found to be suffering from Trachoma in an infectious form or from any other eye disease or infection, which in the opinion of the examining physician is injurious to the wrestler or his opponent, shall be permitted to wrestle in this State. The Commission may order the examination of any wrestler at any time for the purpose of determining whether such wrestler is fit and qualified to engage in further contests.*†

867. No wrestler shall be permitted to tape his hands or any other part of his body without the consent of the club physician.*†

Article 10. Matches

871. At least four days before each wrestling match, the promoter shall furnish the Commission in triplicate an advance notice giving the names of the wrestlers to be used in the match and the amount of the

*† For statutory and source citations, see note to §600.

purse or percentage of the gate receipts each contestant is to receive for his services. The forms for advance notice shall be furnished by the Commission and shall contain full mailing instructions.

If any promoter is unable to complete his entire card, he shall notify the chief inspector of the district in which the match is to be held.*†

872. No wrestler shall wrestle at more than one club on the same night. No booking agent shall contract for the services of any wrestler at more than one club on the same day. Any wrestler or booking agent found guilty of violating this rule may have his license suspended or revoked. No licensed club shall book or advertise a wrestler whom it knows has been booked to wrestle at another club on the same night. Any club which does so may be subject to the suspension or revocation of its license or may be penalized otherwise in any way that the Commission may see fit.*†

873. All wrestling matches shall be limited to two hours. Ninety minute matches shall be decided by two out of three falls, except as otherwise expressly provided herein. Preliminary matches may be one fall or time limit matches.*†

874. If, in a 90 minute match, neither contestant procures a fall or has a marked advantage after 90 minutes of wrestling, the referee may in his discretion, following a five minute rest period, order the match continued for an added 30 minutes. If one of the contestants wins a fall during the added 30 minute period, he shall be declared the winner. If at the end of the added 30 minute period the referee is unable to decide the winner, the match shall be declared a draw.*†

875. If there is only one fall within 90 minutes of wrestling, the winner of that fall shall be declared the winner of the match. If each contestant has gained a fall within 90 minutes of wrestling, the referee may in his discretion allow the match to continue after a five minute rest period for an added 30 minutes, and if at the expiration of the added time neither of the contestants has gained another fall, the match shall be declared a draw.*†

876. *If the contestants wrestle for a period of two hours and the match is declared a draw, the same contestants shall not be permitted to wrestle each other anywhere in the State for a period of 30 days.*†

877. If a match is limited to a period of time less than 90 minutes and neither of the contestants gains a fall or each of them gains a fall, the referee may award the decision on the basis of the following factors:

(a) Aggressiveness;
(b) Willingness to mix;
(c) Counter wrestling;
(d) Clean tactics.

The match shall be awarded to the contestant who excels in these factors.*†

*† For statutory and source citations, see note to §600.

878. Both shoulder blades momentarily pinned to the mat for the referee's silent count of three seconds shall constitute a fall. Flying and rolling falls shall not count.*†

879. Conceding a fall or quitting because of receiving punishment by means of legitimate holds constitutes a fall. The referee shall slap the contestant securing the fall on the back or shoulders in order that the under-man will not be strained by being held too long in a painful position.*†

880. If a contestant falls, pitches or is accidentally thrown out of the ring, he shall be allowed 20 seconds to reenter the ring. If he is not inside the ropes within that period, the referee shall award the fall to his opponent.*†

881. If a contestant is injured by falling or pitching out of the ring, the referee shall allow sufficient time for examination by the club physician to determine whether he can continue. If he can not continue, the match shall be awarded to the other contestant on a technical fall.*†

882. No wrestler shall deliberately leave the ring during the course of any match except during a rest period and then only with the consent of the referee. If a wrestler does deliberately leave the ring, he shall be warned by the referee to return at once and shall be allowed 10 seconds for that purpose. If the wrestler deliberately leaves the ring a second time he shall forfeit the fall and be subject to disqualification.*†

883. Wrestlers shall be allowed a five minute rest period between falls if the match provides for two out of three falls.*†

884. Contestants in all matches must be properly trained and in good physical condition. The attending club physician shall be the sole judge of the contestant's physical condition.*†

885. Matchmakers or promoters must make every effort to match contestants of equal ability and proper physical condition. If the contestant or contestants appear to be physically unfit or not properly trained and a doctor appointed by the Commission to examine such contestant or contestants so decides, then such contestant or contestants shall not be allowed to compete and a suitable substitute match must be arranged with the approval of the Commission.*†

886. If the referee believes that either or both of the contestants are not putting forth their best efforts or if the contestants refuse to observe the rules of the Commission, the referee may disqualify the offenders or declare the match "no decision." If a match is declared "no decision" the purse of the offenders shall be forfeited to the Commission. If one of the contestants is disqualified, the purse of the offender shall be paid to the Commission pending a hearing of the case by the Commission, at which time the amount of the fine will be determined and assessed according to the seriousness of the violation. Any contestant so disqualified may be suspended in addition to being fined.*†

*† For statutory and source citations, see note to §600.

887. If a wrestler fails to answer the bell for the resumption of the match after the rest period following any fall, he shall forfeit the match.*†

888. In no circumstances shall any wrestler molest, hit or physically abuse a spectator or manhandle a referee.*†

889. Wrestlers contesting outside the ropes of the ring in which the match is being held or in the aisles or attempting to strike each other with any object or who manhandle the referee shall be suspended for 60 days for the first offense, one year for the second offense, and shall have their licenses revoked and be disqualified from wrestling for life in the State of California for the third offense.

In addition to suspension, the Commission may assess a fine against the contestant according to the seriousness of the offense and collect the fine out of the contestant's purse.*†

890. If circumstances arise which are not covered by these rules during the course of any match, the referee shall decide the question, and his decision thereon shall be final.*†

Article 11. Wrestling Championships

895. (a) Every wrestler holding a championship recognized by the Commission shall be required to defend his title at least once every four months if a suitable purse can be found and a logical contender for the title appears. Failure to comply with this rule shall result in immediate suspension of the offender unless for some valid reason satisfactory to the Commission a championship match can not be arranged, in which case the Commission may extend the time for the holding of a championship match.

(b) All championship matches shall be limited to two hours and shall be decided by two out of three falls. If at the end of the two-hour period each contestant has gained a fall or neither contestant has gained a fall, the referee shall in any event declare a winner, which decision is to be awarded to the contestant who excels in aggressiveness, willingness to mix, counter-wrestling, and clean tactics.

If there is only one fall within the two hours of wrestling, the winner of that fall shall be declared the winner of the match.

(c) Champions may be permitted to wrestle one-fall time limit matches of 90 minutes or less without the championship being at stake. Nontitle contests which conform to this Section must be so advertised to avoid any possibility of confusion on the part of the public as to the character of the match.*†

Article 12. Fouls and Permissible Wrestling Holds

900. All holds known to wrestling science other than those described in the next section as fouls are permissible. These include toe holds, splits, hammerlocks, scissors holds, head locks, wrist locks, and jiu-jitsu holds and touches, which though pain producing are legitimate and scientific.

*† For statutory and source citations, see note to §600.

The so-called "flying drop kick" is allowed, but must be executed by the use of both feet simultaneously. The "flying tackle" is permitted.*†

901. The following holds and tactics constitute fouls, and the referee shall disqualify any wrestler who uses any such holds or engages in any such tactics:

(a) Hitting with the fist clenched. Open hand hitting and striking with the little finger edge of the hand such as is done in jiu-jitsu is permitted.

(b) Gouging the eyes with fingers, thumb or any other object.

(c) Inserting fingers in mouth of opponent and pulling mouth open.

(d) Biting.

(e) Deliberately kicking either with knee or foot in the groin or any other part of the body, or butting with the head.

(f) Deliberately shutting off the breath of an opponent by holding nostrils or mouth shut or by using any of the various forms of the strangle hold.

(g) Pulling hair or whiskers.

(h) Deliberate elbowing. The use of forearms or the use of shoulders does not constitute elbowing and is permitted.

(i) Deliberately throwing an opponent out of the ring.

(j) Scratching.

(k) Twisting and pulling ears.

(*l*) The use of the flying broad jump, landing on opponent.

(m) Rubbing opponent's eyes on ropes.*†

Article 13. Costumes for Wrestlers

906. Contestants must be properly clothed in neat and clean athletic apparel. Trunks and tights must be well fitted and whole, with high waist bands. If short trunks are used and limbs are left bare the length of the leg of the trunks shall not be less than three inches below the crotch and two pairs of trunks, one over the other, must be worn. Shoes when worn must have soft tops, soft smooth soles and soft laces and be equipped with eyelets only.*†

907. The skin of each contestant must be clean and free from grease, lotions or other foreign substances.*†

Article 14. Contracts

912. All contracts between managers and wrestlers, booking agents and wrestlers, booking agents and promoters, managers and promoters, or any combination thereof, shall be in writing and drawn in triplicate on official forms supplied by the Commission at least five days before the match. Any such contract shall become null and void if at any time during the period covered by it the parties thereto are not duly licensed by the Commission.

All contracts shall conspicuously reflect a statement to the effect: "That this agreement is subject to the law regulating boxing contests and wrestling matches now in effect or which may hereafter be enacted,

*† For statutory and source citations, see note to §600.

as well as all rules and regulations of the State Athletic Commission heretofore or hereafter adopted.''*†

913. No manager or booking agent shall be permitted, without the express written consent of the Commission first had and obtained, to accept from any wrestler more than one-third of the net proceeds of purses, otherwise wrestlers shall receive not less than two-thirds or any net purse for any one match.*†

914. Any promoter, manager, booking agent or matchmaker who shall split or divide any purse for any wrestling match except as provided by the terms of the written agreement or contract filed with and approved by the Commission, shall be subject to revocation or suspension of his or their licenses.*†

915. *Wrestlers who have no manager must personally sign contracts with the clubs where they are scheduled to appear. Wrestlers under contract with managers or booking agents shall have their managers or booking agents sign all such contracts, subject to the terms, provisions and conditions of any contract existing and in full force and effect between them. The Commission will recognize only written agreements effective between licensees. Oral or private agreements shall not be binding upon the Commission.*†

916. Booking agents or managers shall not book wrestlers they know can not be produced. In agreeing to furnish clubs with certain wrestlers, the booking agent or manager has the same responsibility to such clubs as he does in boxing.*†

917. If the referee or the Commission decides that the wrestler and manager, or either of them, did not enter into the contract for any match in good faith, or that the wrestler or manager, or either of them, had any collusive understanding or agreement regarding the termination of the match other than that the same should be an honest exhibition of skill on the part of the contestants; or that the wrestler is not honestly competing or did not give an honest exhibition of his skill, or is guilty of an act detrimental to the interest of wrestling, the wrestler shall not be entitled to the purse for the match or any part thereof unless so ordered by the Commission.

The club shall pay the purse to the Commission if the Commission shall so order upon any of the grounds mentioned in this Section. The Commission may upon receipt of the purse make such disposition of it as it deems to be for the best interests of legitimate sport and may forfeit to the Commission all or any part of the purse or order the same or any portion thereof paid to the wrestler.

The decision of the Commission as to the disposition of the purse shall be final and conclusive of the rights of all of the interested parties thereto.*†

Article 15. Accounts

937. Promoters, matchmakers, managers and others licensed in connection with the promotion of wrestling matches, shall open and at

*† For statutory and source citations, see note to §600.

all times maintain a full, true and accurate set of books of account and other records of receipts and disbursements in connection with all matches, which records shall at all times be open to the inspection and audit by representatives of the Commission. The licenses of any and all licensees who violate or fail to strictly observe this rule shall be subject to revocation or suspension, as may be deemed expedient by the Commission.*†

938. *The promoter of any wrestling match shall cause the gross receipts therefrom to be deposited in a bank or trust company, and no money shall be paid out of said funds to any booking agent, manager, professional wrestler, matchmaker or other licensee, or anyone else whomsoever, connected with the operation, management and conduct of said business unless evidenced by check, the record of which, including the stub and voucher, shall be kept by the promoter for a period of two years after the date of the issuance thereof. Any promoter desiring to deviate from this procedure may do so only with the express written consent and approval of the Commission first had and obtained so to do. Applications for deviation from this rule shall be made in writing, stating fully the reasons for such request.*†*

Article 16. Payment of Contestants

943. The Commission shall have jurisdiction over all the proceeds, except Federal taxes, due from a manager, promoter or booking agent to a wrestler or his nominee in writing until such net proceeds have been paid to the wrestler. Any person into whose hands such net proceeds shall come, whether promoter, manager, booking agent or other person, shall hold the same as trustees for the benefit of the wrestler entitled thereto.*†

944. All payments relating to the division of purses must be made by check.*†

945. The purses of all contestants are subject to the provisions of Section 18748, Chapter 45, Statutes of 1941. The purse of any wrestler must be ordered withheld by the referee in connection with any match in which such wrestler violates, or is suspected of the violation of the law regulating boxing contests and wrestling matches, or of the rules and regulations of the Commission then and there in effect, subject to disposition under this rule and Section 18751, Chapter 45, Statutes of 1941.*†

Article 17. Booking Agents

950. The Commission shall issue, upon the payment of the annual license fee therefor, a booking agent certificate to any person other than a promoter who makes application therefor. Holders of a booking agent certificate may arrange for California matches of out-of-state wrestlers with promoters within this State who may wish to show such wrestlers but can not do so because of the expense involved in bringing such wrestlers to California.

*† For statutory and source citations, see note to §600.

No engagement of a wrestler's services in connection with any match contracted for by a booking agent shall be binding or effective upon any such wrestler unless and until he shall confirm such engagement in writing or by telegram, and any and all contracts between booking agents and wrestlers shall contain such provision in substance and effect.*†

951. No wrestling club owner or promoter shall pay to any booking agent or agents as fees or purses for wrestlers whose services have been booked at any club by such agent or agents a sum less than 40 per cent of the gross receipts, less Federal and State tax, received by such club from the sale of tickets of admission to the show for which such wrestlers were booked. However, if any club shall receive the written approval of the Commission, it may book wrestlers for a sum less than 40 per cent of the gross receipts provided that all wrestlers booked for such a show are given notice in writing that their services have been contracted for at a sum less than 40 per cent of the gross receipts. When and if any wrestler or wrestlers are notified that their services have been contracted for at a sum less than 40 per cent, such wrestler or wrestlers may, in writing or by wire, within 24 hours after such notification, refuse to honor such bookings.

Wrestlers shall be paid for their services in the same manner as is prescribed for the payment of boxers in Sections 514, 515, 516, 517 and 519.*†

952. Nothing in this Article shall be construed to imply that a promoter must deal with a booking agent. Promoters are free to deal directly with wrestlers or managers.*†

953. The annual fee for a booking agent certificate shall be $50.*†

954. Promoters, contestants and managers shall not be discriminated against by any booking agent.*†

Article 18. Complaints

959. Complaints charging any violation of the act or of the rules shall be investigated by the Commission, and if in its judgment the evidence is sufficient to warrant a hearing, such hearing shall be held at such time and place as the Commission may direct.*†

960. Any person or club against whom a complaint has been filed shall have the privilege of being represented by counsel at any hearing held thereon and shall be permitted to present such evidence as may be deemed advisable in his defense and to cross-examine any witnesses presented in support of the complaint.*†

961. Wrestlers who believe a referee was unfair in any ruling in any match may appeal to the Commission from the decision rendered and a hearing will be promptly granted.*†

*† For statutory and source citations, see note to §600.

Article 19. Miscellaneous Provisions

965. Promoters shall not stage and wrestlers shall not engage in any display of feats of skill or exhibition similar to wrestling under any other name in an attempt to escape the supervision of such exhibition by the Commission or to avoid payment of the State tax. The Commission shall report any attempt to employ such subterfuge to the attorney general for such legal action as he may deem appropriate.

Wrestling matches shall be conducted in a standard size ring of the type, size and description first approved by the Commission, which shall not contain any foreign substance or materials. No wrestling match shall include more than two participants, without the express written approval of the Commission first had and obtained.*†

966. *Wrestling royals, wrestling in mud, on ice, or in fish is prohibited.*†

967. Each promoter shall be directly responsible to the Commission for the conduct of its employees and any violation of the act or of the rules and regulations of the Commission by any employee of a promoter shall be deemed to be a violation by the promoter.*†

968. If a referee works with the wrestlers and makes himself a part of a match to the extent that he helps in any way in staging an act or stunt, his license shall be revoked and he shall be disqualified from working as a referee in the State of California.*†

969. If a wrestler is booked to wrestle for a club and does not appear, unless he is sick or injured and can produce a doctor's certificate to that effect or has a valid excuse that meets with the approval of the Commission, he shall be subject to such penalties as may be imposed upon him by the Commission.*†

970. Partnerships between promoters, booking agents, managers and matchmakers or any two or more of them are hereby prohibited.*†

971. A wrestler shall not have more than one manager at any one time.*†

972. It shall be the duty of the referee, promoter and his agents, attaches and employees, and the participants in any wrestling match to maintain peace, order and decency in the conduct of any match.*†

973. There shall be no discrimination against any contestant on account of race, color or creed.*†

974. For the purpose of this Section, "syndicate" and "syndicate wrestling" means any association of individuals or clubs or any partnership, corporation or association organized to control, by agreement or otherwise, the exclusive right to furnish wrestlers to certain specified clubs.

(a) Associations and syndicates of professional wrestling managers or booking agents are hereby prohibited.

*† For statutory and source citations, see note to §600.

(b) Syndicated wrestling is hereby prohibited.

(c) Syndicate agreements between promoters are hereby prohibited.

(d) No matchmaker may be licensed as such for more than one club, *without the express written consent* and approval of the Commission first had and obtained.

(e) No promoter or matchmaker may, directly or indirectly, own or have any financial interest in any wrestler.

(f) No wrestler may engage in any match at a club or for any promoter or matchmaker in whom or in which promotion he is directly or indirectly financially interested.

(g) No booking agent shall, without the written consent of the Commission, directly or indirectly have or own any financial interest in any wrestling promotion or have any connection with any wrestling promotion in any capacity whatsoever.

(h) No wrestling promoter shall, directly or indirectly, have or own any financial interest in any booking agent or be connected with any such booking agent or agency either as an employee, agent or otherwise.

The license of any licensee who violates or is knowingly a party with others in the violation of any of the provisions of this Section, shall be subject to revocation or suspension, as may be deemed expedient by the Commission.*†

975. The issuance of a license or the granting of permission of any sort to women for the purpose of engaging in wrestling in California is prohibited.*†

976. Any wrestler guilty of foul tactics in a wrestling match shall be disqualified and his purse withheld from payment, and the wrestler shall automatically be suspended. Disposition of the purse and the penalty to be imposed, if any, upon the wrestler shall be subject to the action of the Commission.*†

*† For statutory and source citations, see note to §600.

CALIFORNIA ADMINISTRATIVE CODE

(Title 4) Athletic Commission (Wrestling)

Cross Reference Table No. 1 indicates the origin of each section of the code. Cross Reference Table No. 2 indicates the disposition in the code of the former sections of the Rules and Regulations issued by said Commission.

Cross Reference Table No. 1

Origin of California Administrative Code

California Administrative Code Section	*Origin Athletic Commission Rules and Regulations Edition 1942 Rule*	*California Administrative Code Section*	*Origin Athletic Commission Rules and Regulations Edition 1942 Rule*
800	500	884	545
801	501	885	546
802	502	886	547
803	503	887	548
804	504	888	549
805	505	889	550
806	506	890	551
807	507	895(a)	552
808	508	895(b)	552.1
813	509	895(c)	552.2
814	510	900	553
819	511	901	554
824	512	906	555
825	513	907	556
829	514	912	557
832	515	913	558
833	516	914	559
836	517	915	560
837	518	916	561
838	519	917	562
839	520	937	563
840	521	938	564
841	522	943	565
842	523	944	566
855	524	945	567
856	525	950	568
857	526	951	569
858	527	952	570
859	528	953	571
860	529	954	572
865	530	959	573
866	531	960	574
867	532	961	575
871	533	965	576
872	533.1	966	577
873	534	967	578
874	535	968	579
875	536	969	580
876	537	970	581
877	538	971	582
878	539	972	583
879	540	973	584
880	541	974	585
881	542	975	586
882	543	976	587
883	544		

Cross Reference Table No. 2

Disposition of former sections of said Rules and Regulations in the California Administrative Code

Athletic Commission Rules and Regulations Edition 1942 Rule	*California Administrative Code Section*	*Athletic Commission Rules and Regulations Edition 1942 Rule*	*California Administrative Code Section*
500	800	545	884
501	801	546	885
502	802	547	886
503	803	548	887
504	804	549	888
505	805	550	889
506	806	551	890
507	807	552	895(a)
508	808	552.1	895(b)
509	813	552.2	895(c)
510	814	553	900
511	819	554	901
512	824	555	906
513	825	556	907
514	829	557	912
515	832	558	913
516	833	559	914
517	836	560	915
518	837	561	916
519	838	562	917
520	839	563	937
521	840	564	938
522	841	565	943
523	842	566	944
524	855	567	945
525	856	568	950
526	857	569	951
527	858	570	952
528	859	571	953
529	860	572	954
530	865	573	959
531	866	574	960
532	867	575	961
533	871	576	965
533.1	872	577	966
534	873	578	967
535	874	579	968
536	875	580	969
537	876	581	970
538	877	582	971
539	878	583	972
540	879	584	973
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542	881	586	975
543	882	587	976
544	883		

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101. Retail Price Advertising of Distilled Spirits. An off-sale general licensee, in quoting or advertising prices for distilled spirits, shall include the distilled spirits tax.

Beer Price Posting

NOTE.—Beer price posting regulations are printed on the back of the beer price posting form furnished by the board. (Filed 1-14-46)

Article 16. Signs and Notices

106. Obnoxious Signs Prohibited. (a) Banners advertising alcoholic beverages which are suspended over sidewalks are prohibited.

(b) No advertising matter of any kind which advertises alcoholic beverages shall be affixed to display or show windows of licensees.

(c) Signs shall not impair the interior view.

(d) No barrels, kegs, cases, bottles or other containers for alcoholic beverages shall be displayed on any sidewalk adjacent to the licensed premises.

(e) In the case of off-sale premises, the area for exterior signs shall be limited to 10 per cent of the total area of the building visable from any one point.*†

107. Retailers Required to Post Warning Notice. Each retail licensee shall post in a conspicuous place on his licensed premises a printed sign of type not less than one-half inch in height to be furnished by the board, in form as follows:

LEGAL HOURS OF SALE

FOR

ALCOHOLIC BEVERAGES

6 a.m.-2 a.m.

PATRONS ATTENTION

Any person under 21 years of age who consumes alcoholic beverages in any on-sale premises or who purchases alcoholic beverages is guilty of a misdemeanor.

Selling, furnishing or giving away alcoholic beverages to persons under 21 years of age or to obviously intoxicated persons is a misdemeanor.

(Board Member's Name)
Member _____ District
State Board of Equalization*†

(Filed 9-18-47; Effective 9-18-47)

108. Notice of Suspension. Every licensee whose licenses have been suspended by order of the board shall post two notices in conspicuous places, one on the exterior and one on the interior of his premises, for the duration of the suspension.

*† For statutory and source citations, see note to §1.

The notices shall be three feet in length and one and one-half feet in width, and shall be in the following form:

NOTICE OF SUSPENSION

ALCOHOLIC BEVERAGE LICENSES ISSUED
For These Premises Have Been
Suspended by Order of the

STATE BOARD OF EQUALIZATION

For Violation of the
Alcoholic Beverage Control Act

Advertising or posting signs to the effect that the premises have been closed or business suspended for any reason other than by order of the board suspending alcoholic beverage licenses, shall be deemed a violation of this rule.*†

Article 18. Standard Cases for Distilled Spirits

123. Number of Packages Required. No licensee shall sell or deliver in this State any distilled spirits in any original case except standard cases containing the following number of packages or multiples thereof:

One as to full gallon or as to half-gallon packages; six as to fifths of a gallon or fourths of a gallon packages; and 12 as to packages containing less than one-fifth of a gallon.

For the duration of the war, or until such other time as the board shall determine, this rule shall not be deemed to restrict the use of cases of sizes or types which are permitted by the regulations of the United States Treasury Department.†*

Article 19. Certificate of Compliance

128. Certificate of Compliance. No beer importer shall purchase any beer not manufactured within the State of California by a person licensed as a beer manufacturer under the act, or transport or cause the same to be transported into the State of California for resale therein, unless the out-of-state vendor making shipment of such beer into California holds a certificate of compliance. A certificate of compliance shall be granted when such out-of-state vendor shall have made a written agreement with the board to furnish to the board, on or before the twenty-fifth day of each month, a report under oath, on a form prescribed by the board, showing the quantity of beer sold and shipped by such out-of-state vendor to each licensed beer importer in this State during the preceding month, and shall have further agreed with the board that such out-of-state vendor and all general sales corporations or agencies owned and maintained by such out-of-state vendor shall and will faithfully comply with all laws of the State of California pertaining to the sale of alcoholic beverages and all rules and regulations of the Board.

*† For statutory and source citations, see note to §1.

vendor shall violate the terms of such agreement, the board may suspend or revoke the certificate of compliance in the manner provided by the act for the suspension or revocation of licenses, and after a hearing which shall be held in the City of Sacramento or in such other county seat in this State as the board determines to be convenient to the holder of the certificate. No fee shall be charged for such certificate of compliance but same must be renewed annually on or before July 1st of each year hereafter.*†

This rule as amended shall be effective on February 1, 1944.

130. Beer Labeling Requirements. Draught beer sold in California, except for export, shall not exceed an alcoholic content of 3.2 per cent by weight and each container thereof must have firmly affixed thereto a legible notice that the alcoholic content of the draught beer therein is not in excess thereof, and the absence of any such label shall be considered as evidence that the alcoholic content of the contents is in excess of 3.2 per cent by weight.

Packaged beer, other than draught, sold in California except for export, shall not exceed an alcoholic content of 4 per cent of alcohol by weight, provided, however, that bottled or canned ale, porter, brown, or stout may exceed such alcoholic content if it bears a label which correctly designates the contents as such ale, porter, brown, or stout, which label shall not state the alcoholic content.

All bottles or cans containing ale, porter, brown, or stout of an alcoholic content of 4 per cent or less by weight must have firmly affixed thereto in 12-point pica type a notice specifically certifying that the alcoholic content of the beverages in the package is not greater than 4 per cent by weight. Only ale, porter, brown, and stout in packages bearing such labels may be sold by on-sale beer licensees.

The name and address of any manufacturer or bottler or person appearing upon any label of beer must be the true name and address of such person at the time of the packaging of such product, and no false or fictitious name or address shall be placed thereon.

Any labels or notices affixed to beer must, if such beer is produced in this State, be affixed prior to the first sale, and in the case of beer produced outside the State and imported into this State, must be affixed prior to delivery in this State.*†

134. Delivery to Temporary Licensee. A delivery of beer or wine to a holder of a temporary beer or wine license may be made on any day for which such license or either of them have been issued between the hours of 6 o'clock a.m. and 8 o'clock p.m.*†

135. Bock Beer. Bock beer shall not be delivered or furnished at retail prior to March 17th in any year, except that in any year in which March 17th falls on a Sunday, bock beer shall not be delivered or furnished at retail prior to March 16th in such year.

Bock beer shall not be distributed at wholesale to retailers except at the latest practicable date prior to March 17th, or March 16th if March 17th falls on Sunday, and in no event prior to March 12th, in any year.*†

*† For statutory and source citations, see note to §1.

Article 20. Measurement of Time

137. Pacific War Time. (Rescinded 9-20-45; Filed 10-15-45)

Article 21. Interior Illumination of Licensed Premises

139. At all times while any licensed retail premises are open for business the interior lighting maintained therein shall be sufficient to make easily discernible the appearance and conduct of all persons and patrons in that portion of the premises where alcoholic beverages are sold, served, delivered, or consumed.*†

Article 22. Suspension or Revocation of Licenses

142. Receiving Stolen Alcoholic Beverages; Ceiling Price Violations. After proceedings are duly had, pursuant to the provisions of Sections 11500 to 11528 of the Government Code, upon an accusation alleging, and a finding by the board, that a licensee has been convicted of the offense of buying or receiving stolen alcoholic beverages or of a violation of the Federal laws or regulations relating to ceiling prices for alcoholic beverages, the license or licenses of such licensee shall be suspended or revoked. (Filed 1-28-46)*†

Article 23. Administrative Procedure

145. Service of Notices. For the purpose of subdivision (c) of Section 11505 of the Government Code, notices which are served by registered mail shall be mailed to the licensee at the premises for which his license is issued. Any licensee who desires to have such notices mailed to him at an address other than his licensed premises shall file with the board a specific request for that purpose, and in such case notices shall be sent to the licensee at such address. Such licensee shall notify the board of a change in address, and specifically request the board to mail notices to the changed address. (Filed 11-6-45)*†

146. Verification of Protests. Protests filed with the board pursuant to the provisions of Section 39 of the Alcoholic Beverage Control Act shall be verified, unless made by a public officer acting in his official capacity or by an employee of the board. (Filed 11-4-46; Effective 11-4-46)*†

*† For statutory and source citations, see note to §1.

Also a portion of the East half of Section 7 Township 2 North, Range 9 East M.D.M. & B., more particularly described as follows, to wit:

Commencing at a point in the South line of property of E. Campadonico, bearing South 70° 34′ East 1073.4 feet from the southwest corner of San Joaquin County survey No. 2707, thence continuing along the South line of said E. Campadonico property as follows: South 75° 34′ East 380.6 feet, South 71° 40′ East 274.0 feet, thence leaving the South line of E. Campadonico property, North 0° 03′ West 3295.6 feet, to the point in the North line of said Section 7 bearing Westerly 980 feet from the northeast corner of said Section 7, thence along the North line of said Section 7, North 89° 51′ West 156 feet, to a point in the northerly bank of Mormon Slough, thence along the northerly bank of Mormon Slough as follows: South 57° 52′ West 395 feet, South 45° 46′ West 167 feet, South 33° 55′ West 32 feet, thence leaving Mormon Slough, South 0° 03′ East 2761.6 feet to the point of beginning and containing 44.48 acres and being lot marked "B2" in San Joaquin County survey No. 2707.

A portion of Section 76 of C. M. Weber Grant described as follows: Beginning at a point on the South line of the Copperopolis Road, North 73° 08′ East 3405 feet from the West line of said Section 76, running thence South 17° 12′ East 1331.6 feet to the point of beginning of herein described parcel of land; said point also being the southeasterly corner of the land of L. Lagomarsino; thence South 17° 12′ East 385 feet; thence South 73° 05′ West 380 feet; thence North 17° 12′ West 236.2 feet; thence South 75° 48′ West 130.1 feet; thence North 17° 12′ West 108.4 feet; thence South 71° 27′ West 159.5 feet; thence North 17° 12′ West 20 feet to South line of lands of L. Lagomarsino; thence along said South line, North 71° 27′ East 669.5 feet to point of beginning and containing 3.781 acres.

The north 25A of the following tract of land being all that part of the East half of the southeast quarter of Section 76 of C. M. Weber Grant El Rancho del Compo de los Franceses, south of Mormon Slough. (Amendment filed 1-9-46)

(c) **Commodities Covered.** Any and all trees, plants, grafts, cuttings, or scions of any species or variety of chestnut or chinquapin (*Castanea* sp. and *Castanopsis* sp.)

(d) **Restrictions. Commodities Prohibited Movement From Quarantined Area.** No trees, or plants or parts thereof, including grafts, cuttings, or scions of any species or variety of chestnut or chinquapin shall be transported or moved from the infected area to any other portion of the State of California. (See also Sections 3152 and 3154 to 3156, inclusive)*† (Filed 1-8-46; effective 1-8-46)

*† For statutory and source citations, see note to §3150.

3410. Grape Leaf Skeletonizer Interior Quarantine.
(Quarantine Regulation 13)

A quarantine is established effective May 15, 1947 against the following pest, its hosts and possible carriers:

(a) **Pest.** Grape leaf skeletonizer (*Harrisina brillians*).

(b) **Area Under Quarantine:** All that portion of San Diego County lying within an area bounded by a line beginning at the point where the north line of Township 15 South meets the Pacific Ocean, thence east along said north line of Township 15 South to the east line of Section 33 in Township 14 South, Range 1 West, thence north along said section line and the continuation of said line to the north line of Township 13 South, thence east along the north line of Township 13 South to the east line of Range 1 West, thence north along the east line of Range 1 West to the north line of Township 11 South, thence east along said north line of Township 11 South to the east line of Range 5 East, thence south along the east line of Range 5 East to the north line of Township 12 South, thence east along the north line of Township 12 South to the east line of Range 6 East, thence south along the east line of Range 6 East to the north line of Township 14 South, thence east along the north line of Township 14 South to the east line of Range 7 East, thence south along the east line of Range 7 East to the north line of Township 16 South, thence west along the north line of Township 16 South to the east line of Range 6 East, thence south along the east line of Range 6 East to the north line of Township 17 South, thence west along said north line of Township 17 South to the east line of Range 5 East, thence south along the east line of Range 5 East to a point on said line one-half ($\frac{1}{2}$) mile north of the Mexican Border line, thence westerly along a line drawn from said point paralleling the Mexican Border line to a point on the shoreline of the Pacific Ocean one-half ($\frac{1}{2}$) mile north of the Mexican Border line, thence generally northerly along the shoreline of the Pacific Ocean to the point of beginning. (Filed 8-26-47; effective 8-26-47)

(c) **Commodities Covered** (Restricted Products). All plants of grape and Virginia creeper and all parts thereof (including entire plants, cuttings, stumps, and foliage); fresh fruits of grape; and empty field grape picking boxes, which have been so used during the last preceding harvest season prior to movement, are hereby declared to be hosts or possible carriers of the pest herein quarantined against.

(d) **Restrictions.** (1) **Movement Prohibited From Area Under Quarantine Unless Certified Treated.** Restricted products may be moved from the area under quarantine to points outside thereof only provided each such shipment or lot is accompanied by a shipping permit or certificate issued by the County Agricultural Commissioner, his deputy or inspector at point of origin affirming that all such products in said shipment or lot have been treated by a method and in a manner set forth in this Regulation.

***† For statutory and source citations, see note to §3150.**

(A) **Approved Treatment for Fresh Fruits of Grape.**

Fumigation at atmospheric pressure in a gas-tight enclosure for a period of 2 hours using methyl bromide at the rate of $1\frac{1}{2}$ pounds at 70° F. or 2 pounds at 65° F. or $2\frac{1}{2}$ pounds at 60° F. for each 1,000 cubic feet of chamber space, or

(B) **Approved Treatment for Plants and Propagative Parts Thereof, Also Stumpwood, Foliage, and Empty Grape Picking Boxes.** Fumigation at atmospheric pressure using a dosage schedule of three pounds of methyl bromide for each 1,000 cubic feet of chamber space for a period of two hours at a temperature of not less than 80° F.

(2) **In Transit Movement and Reshipments.** No restrictions are placed by this regulation on the intransit movement on through bill of lading of restricted articles from a point outside of the area under quarantine, through such area under quarantine, to any point outside thereof, in this State.

Fresh fruits in original containers and other restricted products originating outside of the herein described area under quarantine, may be reshipped from any point within the area under quarantine to any point in the State of California outside thereof, only provided continued identity and protection from infestation have been maintained to the satisfaction of the County Agricultural Commissioner, his deputy or inspector, while within the area under quarantine and each lot or shipment is officially certified from point of shipment, affirming such facts and setting forth the county of origin, point of reshipment, manner of shipment, amount and kind of products comprising the lot or shipment, and names and addresses of the shipper and consignee.

(3) **No Restrictions on Movement Within Area Under Quarantine.** No restrictions are placed by this regulation on the movement of restricted products between points within the area under quarantine.*†

(See also Sections 3152 and 3154 to 3156 inclusive.)

(Filed 8-27-46: Effective 8-27-46)

3411. Mexican Bean Beetle Interior Quarantine.

(Quarantine Regulation 14)

A quarantine is established effective September 30, 1946 against the following pest, its hosts, and possible carriers:

(a) **Pest.** Mexican bean beetle (*Epilachna varivestis*).

(b) **Area Under Quarantine.** All that portion of Ventura County within the following described area: Beginning at the east shore line of the Pacific Ocean, thence east along North Road and Colonial Road and their extensions to Rice Road, thence north along Rice Road to its intersection with Highway 101 and Santa Clara Road, thence northeasterly along Santa Clara Road to Los Angeles Avenue, thence northwesterly along Los Angeles Avenue to the south bank of the Santa Clara River, thence easterly along the south bank of the Santa Clara River to a point due south of the east city limits of the City of Santa Paula, thence north to said east city limits, thence along the east and north city limits of the City of Santa Paula to the northwest corner of said city limits, thence along a straight line drawn from the northwest corner of the city limits of said city to a point on the east bank of the Ventura River one mile north

*† For statutory and source citations, see note to §3150.

of the shore line of the Pacific Ocean, thence along the east bank of the Ventura River to the Pacific Ocean.

(b-1) **Infested Area.** All premises within the area under quarantine on which the Mexican bean beetle is known to occur and on which hold orders * have been or shall be issued, and any premise lying immediately adjacent to an infested premise which the Director or Commissioner may declare to be amenable to the same provisions of this Regulation, as if it were so infested.

(c) **Commodities Covered.** (Restricted Articles.) All species and varieties of beans (*Phaseolus* spp.) and cow peas (*Vigna* spp.) either green or dry (except solid quick freeze pack); bean and cow pea plants and straw, including hulls, chaff, and screenings; and threshers and tractors engaged in harvesting beans and cow peas, are hereby declared to be hosts or probable carriers of said pest.

(d) **Restrictions.** (1) **Control of Movement From Infested Area.** Restricted plants and straw are prohibited movement from the infested area and no other restricted articles, as set forth in subsection (c) hereof, shall be moved from the infested area, except under written permit from the Agricultural Commissioner, and unless treated under official supervision by a method and in a manner herein approved by the Director.

Each lot or shipment of restricted articles moved from the infested area to any point in California outside of the area under quarantine shall be accompanied by a certificate issued by the Agricultural Commissioner, evidencing such treatment at origin.

(2) **No Restrictions on Movement Between Adjacent Infested Properties.** No restrictions are placed by this regulation on the movement of restricted articles between adjacent infested properties.

(3) **Control of Movement From Area Under Quarantine.** Except as provided in subsection (d)(1), restricted products may be moved from the area under quarantine to points in this State outside thereof, only providing that each shipment or lot is accompanied by a certificate issued by the Agricultural Commissioner, his deputy, or inspector, at point of origin, affirming that all restricted products contained in said lot or shipment, have been treated by a method and in a manner herein approved by the Director, *except* that dry beans which have been recleaned to the satisfaction of the Agricultural Commissioner at origin, may be so moved without fumigation if so certified by said Commissioner.

(4) **No Restrictions on Movement of Articles Within Area Under Quarantine, Except from Infested Area.** No restrictions are placed by this Regulation on the movement between points within the area under quarantine of restricted articles, except as set forth in subsection (d)(1) hereof.

* Hold orders are notices served on the owners of infested premises or their agents, in accordance with Section 128 of the Agricultural Code, and are valid until revoked in writing by the Director or county agricultural commissioner.

*† For statutory and source citations, see note to §3150.

(5) **Approved Treatments.** Restricted articles herein permitted movement subject to treatment at origin shall be treated in accordance with the following approved schedules:

(A) **Green Beans, Dry Beans and Bean Straw.** Fumigation at atmospheric pressure under gas-tight tent or in other gas-tight enclosure for a period of two hours using methyl bromide at the rate of four pounds at temperatures of not less than 60° F., or three and one-half pounds at temperatures of not less than 70° F., or three pounds at temperatures of not less than 80° F. per each 1,000 cubic feet of space.

(B) **Optional for Dry Beans and Bean Straw Only.** Fumigation at atmospheric pressure under gas-tight tent or in other gas-tight enclosure for a period of 12 hours using methyl bromide at the rate of two pounds for each 1,000 cubic feet of space at temperatures of not less than 60° F., or for a period of 24 hours using methyl bromide at the rate of one pound for each 1,000 cubic feet of space at temperatures of not less than 60° F.

(C) **Equipment** (Threshers and Tractors). Fumigation at atmospheric pressure under canvas tent for a period of one hour using 40 cc. of hydrocyanic acid or its equivalent (2 oz. sodium cyanide) for each 100 cubic feet of space at temperatures of not less than 50° F.*†

(See also Sections 3152 and 3154 to 3156, inclusive.)

[Filed 9-30-46; Effective 9-30-46]

3412. Citrus White Fly Interior Quarantine. (Quarantine Regulation 15.) A quarantine is established effective the 17th day of February, 1947, against the following pest, its hosts, and possible carriers:

(a) **Pest.** Citrus white fly (*Dialeurodes citri*).

(b) **Area Under Quarantine.** All that portion of the City of Fullerton in Orange County lying within the west one-half ($W\frac{1}{2}$) of Section 27; all of Section 28; the east one-half ($E\frac{1}{2}$) of Section 29; that portion of the east one-half ($E\frac{1}{2}$) of Section 32, Section 33, and the west one-half ($W\frac{1}{2}$) of Section 34 all in Township 3 South, Range 10 West within the limits of the City of Fullerton.

(c) **Commodities Covered.** The following plants and parts thereof which are known hosts and probable carriers of said pest:

All species and varieties of Citrus (citron, grapefruit, lemon, lime, orange, pummelo, tangerine, etc.) and the following closely related genera and hybrids:

Aegle marmelos (Baelfruit)
Swinglea glutinosa (Chaetospermum) (Tabog)
Murraya spp. (Chalcas; Murraea) (Jasminorange)
Citropsis spp. (Cherryorange or African cherryorange)
Feronia limonia (Woodapple)
Fortunella spp. (Kumquat)
Poncirus spp. (Trifoliate-orange)

*† For statutory and source citations, see note to §3150.

Severinia spp. (Boxorange)
Tirphasia trifolia (Limeberry)
And the following other genera and species:
Ailanthus spp. (Treeofheaven)
Choisya ternata (Mexicanorange)
Diospyros spp. (Persimmon)
Gardenia spp. (Gardenia or Capejasmine)
Ilex spp. (Holly)
Jasminum spp. (Jasmine)
Ligustrum spp. (Privet)
Melia spp. (Chinaberry)
Osmanthus americanus (Devilwood)
Prunus caroliniana (Carolina laurelcherry)
Sapindus mukorossi (Chinese soapberry)
Syringa vulgaris (Common lilac)

(d) **Restrictions.** (1) **Commodities Covered Unrestricted if Completely Defoliated.** No restrictions are placed by this regulation on the movement of commodities covered which are completely defoliated prior to movement from the area under quarantine, provided that balled plants must be so defoliated after being balled.

(2) **Plants With Foliage Prohibited Movement From Quarantined Area Unless Certified Treated.** Except as provided in paragraphs (4) and (5) hereof, no restricted plants or parts thereof with foliage shall be moved from the area under quarantine unless each lot or shipment thereof is accompanied by an official certificate of treatment issued by the Agricultural Commissioner, his deputy or inspector in accordance with paragraph (3) hereof.

(3) **Treatments and Issuance of Certificates.** Treatment certificates shall be issued only provided, the commodities being certified were treated under official supervision immediately prior to shipment as herein approved or subsequently approved by the Director, either under a gas-tight tent or in a tight fumigatorium and protected from post-treatment infestation.

APPROVED ALTERNATE TREATMENTS

Atmospheric, Using Methyl Bromide. 2½ pounds fumigant for each 1,000 cu. ft. of space at 80° F. or above for 2 hours. (Add ½ pound fumigant or increase period of exposure ½ hour for each 10° drop in temperature.)

Atmospheric, Using Cyanide. 20 c.c. liquid hydrocyanic acid or their equivalent for each 100 cu. ft. of space at temperatures above 40° F. and below 80° F. for 1 hour. (If calcium cyanide dust is used increase period of exposure to 70 minutes.)

Certificates shall affirm that all commodities so certified were treated in accordance with the provisions of this paragraph, setting forth the kind and quantity of commodities covered by each such certificate and the date of treatment.

(4) **Reshipments From Quarantined Area Permitted Under Certificate.** Commodities shipped or otherwise brought directly to a shipping point within the area under quarantine for immediate shipment to points outside thereof may be so moved without defoliation or treatment, provided each shipment or lot is packed for shipment prior to movement into the quarantined area and continued identity is maintained by the Agricultural Commissioner while within the quarantined area and each lot or shipment is accompanied by a certificate issued by said Commissioner, his deputy or inspector affirming said facts.

(5) **No Restrictions on Following Movement.** No restrictions are placed by this regulation on the movement of commodities under the following conditions:

(A) If commodities are moved between points within the area under quarantine involving no movement outside thereof.

(B) If trimmings or cuttings are retained within the quarantined area for no less than 10 days after cutting, same may be moved to points outside thereof for incineration or other method of destruction.

(C) If commodities originated outside of the area under quarantine and are immediately transported through the quarantined area by most direct route without diversion to a point outside thereof. (See also Sections 3152 and 3154 to 3156, inclusive.)*† (Filed 2-17-47; effective 2-17-47.)

Article 5. Miscellaneous Rulings

3550. Plant Products Exempt From Holding for Inspection.

Issued December 28, 1944

Pursuant to the authority granted in Section 111, Agricultural Code of California, the following list of plant products have been found not liable to cause introduction of pests into California when imported for purposes other than planting, propagation, or ornamentation and need not be held for destination inspection if grown in and shipped from the States listed herein:

FRESH—For Consumption Only

Plant Product	Origin
1. Apples	From Arizona, Oregon, and Washington
2. Apricots	From Arizona, Oregon, and Washington
3. Bananas	From all States
4. Beets (table)	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
5. Beans (green)	From Idaho, Nevada, Oregon, Utah, and Washington
6. Cabbage	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
7. Carrots	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming

*† For statutory and source citations, see note to §3150.

Plant Product	Origin
8. Celery	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
9. Chard	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
10. Corn (green)	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
11. Cranberries	From all States
12. Endive	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
13. Grapefruit	From Arizona
14. Horseradish	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
15. Lettuce	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
16. Melons	From all States
17. Nectarines	From Arizona, Oregon, and Washington
18. Onions (dry)	From all States *except* Iowa
19. Peaches	From Arizona, Oregon, and Washington
20. Peas (green)	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
21. Pears	From Arizona, Oregon, and Washington
22. Peppers (green)	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
23. Plums (fresh)	From Arizona, Oregon, and Washington
24. Prunes (fresh)	From Arizona, Oregon, and Washington
25. Radishes	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
26. Rhubarb	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
27. Rutabagas	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
28. Spinach	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
29. Turnips	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
30. Tomatoes	From all States
31. Vegetables (except green beans)	From Mexico
DRY—For Consumption or Processing But Not for Seed Purposes	
32. Alfalfa meal	From all States
33. Beans (dry)	From all States
34. Christmas trees	From Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming
35. Corn (shelled)	From all States
36. Flaxseed (for oil)	From all States
37. Fruits (dry)	From all States
38. Lentils (dry)	From all States
39. Peas (dry)	From all States

*† For statutory and source citation see note to §3150.

orange has been found either in said budwood source or property, or within such environs, *except* that certificates may be issued for the movement of *trees propagated prior to the effective date of this revised regulation* in accordance with the regulation hereby revised, *or* for the movement of *trees propagated from buds or scions secured outside of the infected areas* herein described provided the origin of such buds or scions is established and continued identity of all trees into which such buds or scions are placed is maintained to the satisfaction of the Agricultural Commissioner and provided in either case, the property on which such trees have been grown and the environs thereof for a radius of two miles have been inspected within six months immediately prior to issuance thereof and no Quick Decline of orange has been found either on said property or in said environs.

Each such permit or certificate shall set forth the kind and quantity of budwood, scions or trees covered thereby, names and addresses of consignee and consignor or permittee and receiver and must affirm that all conditions of movement of said budwood, scions or trees have been met in accordance with the provisions of this regulation.

(3) **In Transit Movement Permitted.** Restricted Articles may be moved from points outside the area under quarantine, through the quarantined area without delay or diversion while within said area to points outside thereof only in tightly wrapped bales, bundles or containers, or in a similarly tight conveyance in which no such articles are placed while within the area under quarantine.

(4) **The Director May Issue Special Permits.** Movement may be permitted of restricted articles which are not otherwise eligible for intrastate movement under the provisions of this Regulation only under special permit from the Director of Agriculture subject to such provisions and conditions as the Director may prescribe therein. (See also Sections 3152 and 3154 to 3156, inclusive).*†

[Filed 1-15-47; Effective 1-15-47]

3408. Yellow Bud Mosaic of Almond, Apricot, Nectarine, and Peach Interior Quarantine.

(Quarantine Regulation 9)

A quarantine is established effective June 11, 1945, against the following pest, its hosts and possible carriers:

(a) **Pest.** Yellow bud mosaic (formerly known as Winters peach mosaic).

(b) **Area Under Quarantine:**

Solano County: All that part of the County of Solano lying North and West of the Southern Pacific Railroad right of way, which right of way in Solano County crosses the West boundary

*† For statutory and source citations, see note to §3150.

line near the Town of Creston in Napa County, thence running through the towns of Cordelia, Fairfield, Elmira, and Dixon to the North boundary line and also all that part of Township 5 North, Range 1 West, and Township 5 North, Range 2 West, M.D.B.&M., lying East and South of said railroad right of way.

Napa County: All that part of the County of Napa lying in Township 6 North, Range 2 West, and Township 6 North, Range 3 West, M.D.B.&M.

Yolo County: All that part of the County of Yolo lying South of the South line of Township 9 North and West of the West line of Range 2 East, M.D.B.&M.

(c) **Commodities Covered.** All almond, apricot, nectarine, and peach trees including the flowering forms and all parts of these trees for or capable of propagation except fruit pits, are hereby declared to be hosts or possible carriers of the pest herein quarantined against.

(d) **Restrictions.** (1) **Movement Prohibited Except Under Permit or as Reshipments.** No hosts or possible carriers shall be moved from points within the area under quarantine to points outside thereof except as follows:

(A) Under permit of the Director and subject to the conditions prescribed therein.

(B) **Dormant trees** only which have originated outside of the area under quarantine may be reshipped from points within the area under quarantine to points outside thereof provided, such origin is established and identity maintained to the satisfaction of the certifying officer and each lot or shipment is certified by the Agricultural Commissioner of the county from which reshipped, affirming such origin and certifying that all such trees have been in a state of dormancy since arrival within the area under quarantine.

(2) **No Restrictions on Movement Into or Within Quarantined Area.** No restrictions are placed by this Regulation on the movement of hosts or possible carriers into and within the area under quarantine. (See also Sections 3152 and 3154 to 3156, inclusive.)*†

3409. Chestnut Bark Disease Interior Quarantine.

(Quarantine Regulation 12)

A quarantine is established effective January 7, 1935, against the following pests, its hosts and possible carriers:

(a) **Pest.** Chestnut bark disease (*Endothia parasitica*).

(b) **Area Under Quarantine** (Infected area).

San Joaquin County: A portion of the East half of Section 7, Township 2 North, Range 9 East, M.D.M.&B., more particularly described as follows, to wit:

Commencing at an iron pipe at the southwest corner of San Joaquin County survey No. 2707 and running thence along the

*† For statutory and source citations, see note to §3150.

thence northeasterly along State Highway 18 to its intersection with State Highway 14; thence northerly along State Highway 14 to the center of the Santa Ana River; thence easterly along the center of the Santa Ana River to the east boundary of Range 9 West; thence north along said east boundary of Range 9 West to its intersection with the Orange County boundary line; thence northwesterly along the Orange County boundary line and continuing along the eastern Los Angeles County boundary line to Riverside Drive; thence easterly along Riverside Drive and into *San Bernardino County* along said drive to Archibald Avenue; thence northerly along Archibald Avenue to Valley Boulevard (U. S. Hwy. 99); thence easterly along Valley Boulevard to Haven Avenue; thence north along Haven Avenue and along a line drawn as a continuation of Haven Avenue to its intersection with the north boundary of Township 1 North; thence west along the north boundary of Township 1, North, to the point of beginning.

(b-3) **Regulated Area:** All that portion of Los Angeles, Orange, Riverside and San Bernardino Counties within the area under quarantine not described as "Infected Areas" in subsections (b-1) and (b-2) hereof.

(c) **Commodities Covered** (Restricted Articles): All varieties including the ornamental forms of sweet orange *(Citrus sinensis)* plants and propagative parts thereof and including any species of root stock carrying propagative parts whether dormant or otherwise of *Citrus sinensis* are hereby declared to be hosts or possible carriers of the pest herein quarantined against, *except* that seed of *Citrus sinensis* and *Citrus sinensis* root stock used solely as such for species other than *Citrus sinensis* are exempt from the provisions of this regulation.

(d) **Restrictions.** (1) **Movement Prohibited From Area Under Quarantine.** No restricted articles shall be moved from any point within the area under quarantine described in subsection (b) hereof to any point outside thereof.

(2) **Control of Movement Within Area Under Quarantine.** No restricted articles shall be moved from one point to another point within the area under quarantine except under and subject to the following conditions:

(A) **No Restrictions on Movement Within Regulated Area or From Regulated Area to Any Infected Area.** No restrictions are placed by this regulation on the movement of restricted articles between points within the area under quarantine described in subsection (b-3) hereof as the "regulated area," or from any point in said regulated area to any point within any infected area described in subsections (b-1) and (b-2), involving no movement outside the area under quarantine.

*† For statutory and source citations, see note to §3150.

(B) **Budwood and Scions Prohibited Movement From Premise Where Grown in Infected Areas Except Under Permit.** No budwood or scions of restricted plants grown within an infected area shall be moved from the premise where grown except under permit from the Agricultural Commissioner, which may authorize movement to any point within the area under quarantine subject to the conditions of paragraph (E) hereof.

Any trees propagated from buds or scions secured on the same premise shall not be moved therefrom unless such a permit shall have been issued authorizing the selection of all such buds or scions used from said premise, and each lot or shipment is accompanied by a certificate issued under conditions of paragraph (E) hereof.

(C) **Certificates Required on Rooted Trees.** Except as provided in paragraph (D) below, no restricted rooted trees shall be moved within or from any infected area described in subsections (b-1) and (b-2) hereof unless each lot or shipment is accompanied by a certificate issued in accordance with paragraph (E) hereof, by the Agricultural Commissioner of the county wherein such trees are located. Such certificate may permit movement of trees to any point within the area under quarantine.

(D) **Conditions Under Which Rooted Trees Grown in Infected Areas May Be Moved Without Certificate.** No certificate is required for the following movement of seedling trees or of trees into which have been placed buds or scions secured under permit from the Agricultural Commissioner issued prior or subsequent to the effective date of this regulation:

1. Between points within the lightly infected area, or
2. From the lightly infected area to a heavily infected area, or
3. Between points within a heavily infected area, or
4. From one heavily infected area to another heavily infected area if shipped by common carrier on through bill of lading with no diversion permitted, or if otherwise moved in a manner satisfactory to the Agricultural Commissioner at origin to assure direct movement to said area.

(E) **Conditions Governing Issuance of Permits and Certificates.** No permits or certificates required under the provisions of this subsection shall be issued unless an official county survey has been made within 6 months immediately prior to date of issuance thereof, of each such budwood or scion source, or property whereon trees have been grown or propagated for movement therefrom, and of the environs of such budwood or scion source or property, for a radius of 2 miles and no Quick Decline of

*† For statutory and source citations, see note to §3150.

3266. Plum Curculio and Apple Maggot Exterior Quarantine. (Quarantine Proclamation 20.) A quarantine is established effective October 2, 1945, against the following pests, their hosts, and possible carriers:

(a) **Pests:** Plum curculio (*Conotrachelus nenuphar*) and apple maggot (*Rhagoletis pomonella*).

(b) **Area Under Quarantine.** All States and districts of the United States east of the States of Montana, Wyoming, Colorado, and New Mexico and the following described portion of Montana, Wyoming, Colorado, and New Mexico.

Colorado: The entire State *except* the following counties:

Alamosa	Gunnison	Montrose
Archuleta	Grand	Ouray
Chaffee	Hinsdale	Park
Clear Creek	Jackson	Pitkin
Conejos	Lake	Rio Blanco
Delta	La Plata	Rio Grande
Dolores	Mesa	Routt
Eagle	Mineral	Saguache
Garfield	Moffat	San Juan
Gilpin	Montezuma	San Miguel
		Summit

Montana: The entire State *except* the following counties:

Beaverhead	Jefferson	Missoula
Deer Lodge	Lake	Powell
Flathead	Lincoln	Ravalli
Granite	Madison	Sanders
	Mineral	Silver Bow

New Mexico: The entire State *except* the County of San Juan.

Wyoming: The entire State *except* the Counties of Lincoln, Sweetwater, Sublette, Teton, and Uinta. [Filed 6-27-46; Effective 6-27-46]

(c) **Commodities Covered.** All fresh fruits of apple, apricot, cherry, Hawthorn (haw), nectarine, peach, pear, plum, prune, and quince are hereby declared to be hosts of the pests herein quarantined against.

(d) **Restrictions.** (1) **Commodities Covered Prohibited from Area Under Quarantine.** All commodities covered which have been grown in the area under quarantine are prohibited entry into California for any purpose whatsoever and except as provided in paragraphs (2) and (3) below, all such commodities regardless of origin shipped or otherwise transported or moved from any point within the area under quarantine are likewise prohibited entry into this State.

(2) **Reshipments in Original Containers from Quarantined Area of Commodities Grown Outside Thereof:** Provided commodities are in original unopened containers, each bearing labels or other identifying marks evidencing origin outside of the area under quarantine, same may be reshipped to this State from any point within the quarantined area.

*† For statutory and source citations, see note to §3150.

(3) **Repacked Commodities Admissible from Quarantined Area if Certified Grown Outside Thereof.** Provided each lot or shipment is officially certified to have been grown outside the area under quarantine and that continued identity has been maintained while within the quarantined area, all such commodities may be repacked and shipped by common carrier from any point within the quarantined area to any point in this State.

Certificates Must Establish Origin, etc. All such certificates shall set forth the State in which commodities were grown, point of repacking and reshipment, amount and kind of commodities comprising the lot or shipment, and the names and addresses of the shipper and consignee. (Filed 10-31-45)*†

(See also Sections 3152 to 3156, inclusive)

*† For statutory and source citations, see note to §3150.

hours at a maximum load of 15,000 pounds per 1,000 cubic feet, each layer of sacks to be separated by 2 x 4 boards to permit free circulation of gas.

5. *Chloropicrin.* One and one-half pounds per 1,000 cubic feet of air space in a gas-tight fumigation chamber at a temperature of not less than 60° F. for a period of 24 hours at a maximum load of 15,000 pounds per 1,000 cubic feet, each layer of sacks to be separated by 2 x 4 boards to permit free circulation of gas and at least two fans with 12-inch blades to be kept in operation at opposite ends in the fumigation chamber throughout the time of exposure.

(B) **Vacuum Fumigation.** *Hydrocyanic acid (HCN).* Seven ounces per 100 cubic feet of space at a temperature of not less than 65° F., the gas to be injected at not less than a 28-inch vacuum for a period of two hours at a maximum load of 15,000 pounds per 1,000 cubic feet.

NOTE.—Refrigerator cars may be used as fumigation chambers. However, it is emphasized that the drains must be sealed with water, and if the car is liable to be shunted during the fumigation cycle, the drains should be plugged with wet paper which should be removed at the completion of the cycle.

(3) **Conditions Governing Issuance Certificates Affirming Origin Noninfested.** When it has been determined by annual official surveys that an area of any State in the said infested territory (area under quarantine) is not infested by the said vetch weevil and providing, adequate protection is afforded by such State against the entry of vetch weevil into such noninfested area, the Director may, upon receipt in writing of proper evidence from the authorized official of such State, permit the entry of vetch seed which is certified as being grown in and shipped from such noninfested area. (See "Note" for approved areas.) See also Sections 3152 to 3156 inclusive.)*†

NOTE.—Under authority provided in subsection (d)(3) the following areas have been approved and are considered noninfested, from which vetch seed is admissible without treatment if certified as having been grown and shipped from noninfested area:
Noninfested Area:
Washington: Entire State *except* the entire Counties of Asotin, Cowlitz, Clark, Garfield, Skamania, Klickitat, and Whitman.

3256. Cherry Fruit Fly Exterior Quarantine.

(Quarantine Proclamation 8)

A quarantine is established effective June 17, 1945 against the following pests, their hosts and possible carriers:

(a) **Pests.** Cherry fruit flies (*Rhagoletis cingulata* and *Rhagoletis fausta*).

(b-1) **Noninfested Area:**

Oregon: Counties of Baker, Coos, Curry, Douglas, Jackson, Josephine, Lake, Malheur, Umatilla, and Wallowa.

Washington: Adams, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Stevens, and Whitman.

Idaho: Entire State except the Counties of Benewah, Kootenai, Latah, and Nez Perce.

[Filed 8-9-46; Effective 8-9-46]

*† For statutory and source citations, see note to §3150.

(b-2) **Infested Area:** All other areas of the States of Oregon, Washington, and Idaho not defined as noninfested area.

(c) **Commodities Covered.** Cherry fruits are hereby declared to be hosts and possible carriers of the pest herein quarantined against.

(d) **Restrictions.** (1) **Cherries Prohibited From Infested Area.** Cherry fruits grown, packed, or stored in or shipped from the infested area are prohibited entry into this State.

(2) **Certified Cherries Admissible From Noninfested Area.** Cherry fruits which have been grown, packed, and stored in and shipped from the noninfested area are admissible into California, provided, each lot or shipment is officially certified from origin by a duly authorized representative of the Department of Agriculture, setting forth the locality where grown and packed, where stored (if stored), the names and addresses of the grower, shipper, and consignee. A copy of such certificate shall be mailed in advance of the shipment to the Director of Agriculture, Sacramento, California. (See also Sections 3152 to 3156, inclusive.)*†

3257. Sweet Potato Weevil Exterior Quarantine.

(Quarantine Proclamation 9)

A quarantine is established effective April 5, 1946, against the following pest, its hosts, and possible carriers:

(a) **Pest.** Sweet potato weevil (*Cylas formicarius*, Fab.).

(b) **Area Under Quarantine.** All States, Districts, and Territories of the United States *except* the State of Arizona.

(b-1) **Infested Area.**

Alabama: Counties of Baldwin, Mobile, and Washington.

Florida: Entire State *except* the counties of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Jefferson, Leon, Madison, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington.

Georgia: Counties of Brooks, Camden, Chatham, Colquitt, Grady, Glynn, McIntosh, Thomas, Tift, and Worth.

Louisiana: Parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, De Soto, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Point Coupee, Rapides, Sabine, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Landry, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Vermillion, Vernon, Washington, West Baton Rouge, and West Feliciana.

Mississippi: Counties of Greene, Hancock, Harrison, Jackson, and Walthall.

*† For statutory and source citations, see note to §3150.

Texas: Counties of Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Bosque, Brazoria, Brazos, Brooks, Burleson, Burnet, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Concho, Coryell, Crane, Crockett, DeWitt, Dimmit, Duval, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hamilton, Hardin, Harris, Hays, Hidalgo, Hill, Irion, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Lee, Liberty, Limeston, Live Oak, Llano, McCulloch, McLennan, McMullen, Mason, Matagorda, Maverick, Medina, Menard, Milam, Mills, Montgomery, Nacogdoches, Newton, Nueces, Orange, Pecos, Polk, Presidio, Reagan, Real, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Shelby, Starr, Sutton, Terrell, Travis, Trinity, Tyler, Upton, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavala.

(b-2) **Noninfested Area.** All areas of the States, Districts, and Territories of the United States under quarantine, not described in (b-1) above as "Infested Area," shall be known as "Noninfested Area."

(c) **Commodities Covered.** (Restricted Products). Sweet potato plants, vines, cuttings, draws, and slips and sweet potato tubers or so-called yams (*Ipomoea batatas*), and morning glory plants (*Ipomoea* and *Convolvulus* spp.).

(d) **Restrictions.** (1) **All Commodities Except Tubers Prohibited From Infested Area.** All commodities covered in (c) above *except tubers treated and shipped in accordance with paragraph (2) below,* are hereby prohibited entry into California if grown, packed, or stored within or shipped from the said infested area described in (b-1) above.

(2) **Sweet Potato Tubers Grown, Packed, or Stored Within or Shipped From Infested Area Admitted if Treated at Origin.** Sweet potato tubers grown, packed, or stored within or shipped from the said infested area described in (b-1) above shall be admitted into California only provided same have been fumigated (at owner's risk) in an approved fumigation chamber(*) by an approved method and certified in accordance with paragraphs (4) and (4) (A) below and protected from post-treatment infestation.

(3) **All Commodities From Noninfested Area Admissible Under Certificate of Origin.** Any and all commodities covered in (c) above, if grown, packed, and stored (if stored) within and shipped from the said noninfested area as described in (b-2) above, and provided same have not at any time been within the infested area as described in (b-1) above, will be admitted into California; further provided same are officially

(*) Approval of fumigation chamber shall be by the Director.
*† For statutory and source citations, see note to §3150.

certified in accordance with paragraphs (4) and (4)(B) below, *except that morning glories are admissible without certificate from the noninfested area.*

(4) **Treatment and Origin Certificates.** Each lot or shipment of restricted products must be accompanied by a certificate issued by the authorized agricultural inspection official of the origin State, Territory, or District, setting forth the name and address of the shipper, number and kind of containers in shipment or lot, manner of shipment, and car initials and number if shipped by rail; also

(A) **For Cured Tubers Grown, Packed, or Stored Within or Shipped From Infested Area.** The certificate covering any lot or shipment of tubers grown, packed, or stored within or shipped from the infested area as described in (B-1) above, shall affirm that all tubers in said lot or shipment were fumigated immediately prior to shipment under the personal supervision of the certifying officer for a period of four hours using not less than 3½ pounds of methyl bromide per 1,000 cubic feet of space at a temperature of 70° F. or above or such other alternate treatment as the Director may approve after the effective date of this regulation and setting forth the name of owner or operator of the fumigation chamber used and the date of treatment.

(B) **For All Restricted Products Grown, Packed, and Stored Within and Shipped From the Noninfested Area.** No certificate shall be issued under this subparagraph unless and until the certifying officer shall have positively determined that the restricted articles for which certification is requested were grown in said noninfested area and have not been subsequently handled within the infested area nor packed or stored in conjunction with tubers originating within the infested area. *The certificate shall affirm* that all such restricted products accompanied thereby have been grown and packed (and stored (if stored)) within the noninfested area as described by the State of California.

If the origin and subsequent handling of restricted articles can not be determined, same must be treated and certified in accordance with subparagraph (A) above.)

(5) **Copy of Certificate to Be Mailed.** A copy of each certificate issued in accordance with this provision, shall also be mailed to the Director of Agriculture, Sacramento, California, at time of shipment. (See also Sections 3152 to 3156, inclusive.) (Filed 5-2-46; effective 5-2-46)*†

3258. Citrus White Fly Exterior Quarantine.

(Quarantine Proclamation 10)

A quarantine is established effective August 9, 1944 against the following pests, their hosts and possible carriers:

(a) **Pests.** Citrus white flies (*Dialeurodes citrifolii,* Morgan) and (*Dialeurodes citri,* Ashm.)

*† For statutory and source citations, see note to §3150.

Printed July 25, 1945

PLANT QUARANTINE

GROUP 4. PLANT QUARANTINE

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3150. Definitions

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Article 4. Interior Quarantines

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3411. Mexican Bean Beetle
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Article 5. Miscellaneous Rulings

3550. Plant Products Exempt from Holding for Inspection

Article 1. Definitions

3150. Definitions. (a) **"Pest"** means any infectious, transmissible, or contagious disease of plants; any form of animal life; and any form of vegetable life that is or is liable to be dangerous or detrimental to the agricultural industry of the State. (Section 100 (a) Agri. C.)

(b) **"Plant"** includes parts of plants, trees, plant products, shrubs, vines, fruits, vegetables, seeds, bulbs, stolons, tubers, corms, pips, cuttings, scions, buds, grafts, and fruit pits. (Section 100 (b) Agri. C.)

(c) **"Nursery Stock"** means any plant for planting, propagation, or ornamentation. (Section 100 (c) Agri. C.)

(d) **"Shipment"** means any article or thing, which may be, is being, or has been transported from one place to another place. (Section 100 (d) Agri. C.)

(e) **"Appliance"** means any box, tray, container, ladder, tent, vehicle, implement, or any other article which is or may be used in connection with the growing, harvesting, handling, or transportation of any agricultural commodity. (Section 100 (e) Agri. C.)

(f) **"Director"** means the Director of Agriculture of the State of California.

(g) **"Inspector"** (1) As used in Article 3 means an authorized official of the origin State, District, or Territorial Department of Agriculture or of the United States Department of Agriculture.

(2) As used in Article 4 means an inspector or collaborator of the Bureau of Entomology and Plant Quarantine or any county agricultural commissioner, deputy commissioner, or inspector.

(h) **"State Plant Quarantine Officer"** means an "Inspector" as defined in Section 3150 (g) (2).

(i) **"Exterior Quarantine"** is a Regulation established by the Director under authority of Section 106, Agri. C. and proclaimed by the Governor in accordance with Section 107, Agri. C. establishing quarantine lines at the boundaries of the State of California and restricting or prohibiting the movement of plants or things from areas described as quarantined areas involving another State, territory, district, or foreign country. (Formerly referred to as Quarantine Order and Quarantine Proclamation.)

(j) **"Interior Quarantine"** is a Regulation established by the Director under authority Section 106 Agri. C. establishing quarantine lines within the borders of the State involving the movement of plants, other articles or things from one point to another point within this State. (Formerly referred to as Quarantine Regulations.)

(k) **"Certificate"** means an official valid certificate signed by an authorized inspector certifying to origin inspection, pest condition, pest treatment, or other condition or fact in compliance with Quarantine Regulations.

(*l*) The singular includes the plural, and the plural the singular.

(m) Restricted article or restricted product means any commodity covered by a Regulation.

(n) The masculine gender includes the feminine and neuter.

(o) As used in this Code, the word "shall" is mandatory and the word "may" is permissive.

(p) Abbreviations. "Agri. C." means the Agricultural Code; "C. A. C." means the California Administrative Code.

NOTE.—§§3150 to 3550, inclusive, issued under authority contained in Sections 16, 30, 106, 107 and 111, Agricultural Code. Source of §§3150 to 3550, inclusive, is the Regulations on Plant Quarantine issued by the Director of Agriculture and/or the Governor.

CHAPTER 3. ECONOMICS

SUBCHAPTER 1. FRUIT AND VEGETABLE STANDARDIZATION
SUBCHAPTER 2. MARKETING
SUBCHAPTER 3. MARKET ENFORCEMENT
SUBCHAPTER 4. SHIPPING POINT INSPECTION (NO RULES FILED)

Printed July 25, 1945

SUBCHAPTER 1. FRUIT AND VEGETABLE STANDARDIZATION

Group 1. Canning Tomatoes
Group 2. Dried Fruits and Nuts
Group 3. Eggs (No rules filed)
Group 4. Fresh Fruits and Vegetables
Group 5. Grapes for By-Products (No rules filed)
Group 6. Honey (No rules filed)
Group 7. Seed Potatoes
Group 8. Emergency Standards

Group 1. Canning Tomatoes

Article
1. Canners
2. Color Chart
3. Delivery and Acceptance

Article 1. Canners

1330. Schedule of Fees. The fee to be collected by the Department from each canner receiving deliveries of tomatoes for canning purposes to cover the cost of inspection and certification of such tomatoes is hereby established at thirty cents ($0.30) per ton (2,000 pounds), until rescinded. (Filed 8-7-47; effective 8-7-47)

NOTE.—Section 1330, issued under the authority contained in Sections 16, 762.8 and 762.9, Agricultural Code. Source of 1330 is the Regulation issued by the Director of Agriculture.

1331. Canner to Furnish Information. Each canner receiving tomatoes for canning purposes being designated by law as the agent of the Director of Agriculture for the purpose of the collection of fees chargeable to him and chargeable to each producer or person from whom one-half of the fee is collected, delivering such tomatoes, shall furnish to the Department of Agriculture the correct name and address of each such person delivering to him tomatoes for canning purposes. Such name and address must be made available to the representative of the Department making the inspection so that it can be placed by him upon the certificate issued for each load or lot delivered.*†

Article 2. Color Chart

1334. Color Chart. The color of canning tomatoes as required by Section 762 of the Code, and as defined in Section 761 of said Code shall be that color depicted in a California Standard Color Chart for canning tomatoes issued by the Bureau of Fruit and Vegetable Standardization.*†

*† For statutory and source citations, see note to §1330.

Article 3. Delivery and Acceptance

1337. Delivery and Acceptance of Tomatoes. Section 762.5 of the Agricultural Code provides that the Director shall inspect all deliveries of canning tomatoes and issue a certificate of inspection if the tomatoes conform with the standards established in Chapter 1a of Division 5 of the Agricultural Code or issue a rejection order if the tomatoes fail to conform with such standards including the tolerances provided in Section 763. Section 763.1 provides that it is unlawful for any person to make delivery or accept delivery of tomatoes for canning purposes which have not first been so inspected and certified, or which have been rejected. No load of canning tomatoes shall be unloaded until a regularly authorized canning tomato inspector has inspected and has issued an official certificate for each load.*†

1338. Official Sample. Canning tomatoes in any delivery shall be determined to be suitable or unsuitable for canning purposes as defined in Section 762 of the Agricultural Code by the examination of all of the tomatoes in a representative sample taken as follows:

Loads from	1 to 50 boxes, 2 box sample
	51 to 100 boxes, 3 box sample
	101 to 300 boxes, 4 box sample
	301 to 400 boxes, 5 box sample
	401 to 600 boxes, 6 box sample
	601 to 800 boxes, 7 box sample
	801 and up boxes, 8 box sample

When determining the percentage of "well colored" tomatoes as required by Chapter 1a, Division V of the Agricultural Code, a representative sample shall consist of only the first two boxes in the sample selected as defined herein in the case of the round type tomatoes, and the first box in the case of pear type tomatoes.

The status of any load of canning tomatoes shall be determined by the inspection of the tomatoes in the representative sample defined herein except that when the resulting percentage of defects is only slightly more than that permitted by law and doubt exists as to the quality of the load, then an additional official sample consisting of the same number of boxes selected from different parts of the load may be selected. The weight of the defective tomatoes resulting from the inspection of the two representative samples taken shall be averaged to obtain the final percentage of defects for the load.*†

1339. Percentage Chart. When tomatoes are in cannery delivery boxes designed to hold 50 pounds of tomatoes (1) the official "Percentage Chart" issued by the Bureau of Fruit and Vegetable Standardization shall be used to determine the percentage of defects; and (2) the boxes of tomatoes selected as the sample for the purpose of inspection and determining the percentage of defects shall be normally filled and shall be considered as holding 50 pounds of tomatoes. (Sections 1330 to 1339, inclusive, filed 4-26-46)*†

*† For statutory and source citations, see note to §1330.

Authority or Board on the charge for which he is returned. [Filed 7-31-47; Effective 8-1-47]

779. Vouchers and receipts. Vouchers shall be furnished for all items of expense except:

(a) Meals.

(b) Street car fares.*†

780. Allowable expenses. (a) No expenses, other than actual, necessary traveling expenses of the agent and fugitive, shall be allowed, *except extradition fees charged by other states.* [Filed 11-1-46; effective 11-1-46]

(b) Necessary living expenses of the fugitive may be allowed only for the period from the date of detention until the arrival of the agent to take him into custody.

(c) The maximum allowance for meals off trains is $6 per day. If separate meals are charged, a maximum of $1.50 for breakfast, $1.75 for lunch, and $2.75 for dinner is fixed. [Filed 7-31-47; Effective 8-1-47]

781. Method of travel. (a) The agent shall take the most direct and economical route possible.

(b) Where delays occur, a full explanation, stating the reason, length of time delayed and all other relevant factors, shall accompany the claim. If the explanation is satisfactory, the additional expense may be allowed.

(c) No expenses incurred in Sacramento en route shall be allowed.

(d) The agent when returning fugitives from justice may use compartment accommodations on the return trip with the prisoner and be reimbursed therefor by the State.

(e) When a trip is made by automobile, expenses of agent and prisoner shall be claimed on the same basis as if the trip had been made by train. A statement of this fact and the license number of the agent's automobile must be shown. In addition, a written statement from the local railway agent shall be furnished with the claim certifying as to the correctness of the railroad fares and pullman charges claimed thereon.†* [Filed 11-1-46; Effective 11-1-46]

782. Telegraph charges. No expense incurred en route for telegraphing to hold the fugitive or to the effect that the agent has started on the return journey shall be allowed.*†

783. Expenses prior to appointment. No expenses incurred prior to the date of appointment shall be allowed except such traveling expenses as would have necessarily been incurred by the agent in going direct to the place where the fugitive is held in custody.*†

784. Assistants. No expenses of an assistant shall be allowed unless authorized by appointment by the Governor.*†

785. Attorneys. No attorney fees shall be allowed without an authorization in advance from the Attorney General.*†

*† For statutory and source citations, see note to §775.

786. Porter fees. Reasonable fees for the assistance of porters in watching prisoners en route may be allowed by the Controller, if he finds such assistance was necessary.*†

787. Rewards and compensation. (a) No rewards or compensation shall be paid an agent for services rendered in returning a fugitive. (Pen. C. 1558)

(b) No rewards, fees or expenses in making any arrest or rearrest of a criminal shall be paid by the State except for rewards offered by the Governor. (Pen. C. 1547)*†

Article 11

790. Sales tax refunds on sales of dairy cattle. (The rules on this matter were issued by the Board of Control and are on file in office of the Department of Finance.)*†

Article 12

795. Rules adopted by Adjutant General and approved by the Board of Control pursuant to provisions of Chapter 19, Statutes of First Extraordinary Session of 1941-42. (These rules have not been printed, but same are on file in the offices of both the Adjutant General and Board of Control.)*†

*† For statutory and source citations, see note to §600.

(b) The maximum allowance for meals is $4 per day for all other officers and employees, except in cases of travel outside the State an allowance of $5 per day may be claimed.

(c) The amount expended for any particular meal is left to the discretion of the individual, but the total for all meals shall not exceed the applicable maximum allowance. If separate meals are charged by other than elective constitutional officers, directors of departments, the State Legislative Counsel, members Youth Authority, members Adult Authority, commissioners or chiefs of divisions appointed by the Governor, members of boards and commissions whose appointments are authorized by the Constitution, and nonsalaried board and commission members, a maximum of $1 for breakfast, $1.25 for lunch, and $1.75 for dinner is fixed, but the total for all meals shall not exceed the applicable maximum allowance, except in cases of travel outside the State a maximum of $1.25 for breakfast, $1.75 for lunch, and $2 for dinner may be claimed. [Filed 10-10-46; Effective 10-15-46]

(d) Where a State agency provides meals within the premises at which such agency is housed for its nonsalaried board and commission members in connection with a meeting of such board or commission, the agency may claim not to exceed $1.50 for each meal for the total number of members who comprise such board or commission.

(e) Each officer and employee when making claim for travel expenses must show the time of departure from and return to headquarters. Should the time of departure be after 8 o'clock a.m., no allowance may be claimed for breakfast. Should the time of departure be after, or the time of return be prior to 7 o'clock p.m., no allowance may be claimed for dinner. Time of departure and return as herein used means the time the train, bus or airplane leaves or returns, or if motor vehicle is used, the time the employee starts from, or returns to his office, the State garage, or his home if car is garaged at home.

(f) The maximum allowance for meals on trains for all officers and employees is $5 per day, the amount expended to be at the will of the individual. Where separate meals are charged, a limit of $1.50 each for breakfast and lunch, and $2 for dinner is fixed.

(g) When it is necessary for a State agency to require an employee to work overtime in excess of two hours following the usual closing time of the office of such agency, and where sufficient time can not be granted to the employee to travel to his home for his evening meal and return before his overtime service must begin, he may at the request of the agency, and with approval of the Department of Finance having been secured in advance, claim an allowance for dinner at his headquarters. Copy of the Department of Finance approval must accompany such expense claims.

The fixing of maximum allowances does not authorize the filing of claims for sums in excess of expenditures. Under Section 11032, Government Code, only "actual necessary traveling expenses" will be allowed.*†

713. Meals at State Agencies. (a) No State agency shall serve any meal without charge to any person not connected with the State of

* For statutory citations, see note to §700.
† For source citations, see note to §600.

California, unless such person has rendered services to the State at the request of the head of the department or the official in charge of the agency.

(b) All officers and employees of the State, except those receiving maintenance as a part of their compensation, shall pay for meals received at any State institution, camp or facility at which their hearquarters are maintained.

(c) State officers and employees while away from their headquarters may be furnished meals without charge at any institution, camp or facility maintained by their own department or by any agency thereof; provided, however, that officers and employees shall pay for meals furnished them at institutions, camps or facilities of another department and may secure reimbursement therefor in their regular expense accounts.

(d) No members of any board or commission meeting at any institution, camp or other facility of the State for the transaction of business shall receive from such institution, camp or facility without charge more than three meals for each day of the meeting.

(e) The sum of 40 cents per single meal shall be charged all persons required to pay for meals at State institutions; provided, however, that coupons or tickets good for 30 meals may be sold to an employee of an institution for the sum of $8.

(f) All agencies shall maintain records showing:

(1) The value of all supplies issued to officers and employees of the agency for their maintenance.

(2) The number of meals served to officers, employees, officers' or employees' families, official guests and all other persons.

(g) All sums collected by the agency for meals shall be remitted to the State Treasurer for credit to the current support appropriation.*† [Filed 6-24-46; Effective 7-1-46]

714. Per diem allowances. (a) In lieu of an allowance for hotel and meals, an allowance of $6 per day may be claimed by all officers and employees.

(b) In lieu of an allowance for hotel and meals, an allowance of $10 per day may be claimed by judges of the appellate and superior courts, elective constitutional officers, directors of departments, the State Legislative Counsel, members Youth Authority, members Adult Authority, commissioners or chiefs of divisions appointed by the Governor, members of boards and commissions whose appointments are authorized by the Constitution, and nonsalaried board and commission members, except in cases of travel outside the State an allowance of $12 per day may be claimed. For periods less than a full day the allowance shall be computed at the rates of $5 for hotel, $1.25 for breakfast, $1.75 for lunch, and $2 for dinner. The specific dates for which this allowance is requested shall be stated on the claim together with hour of departure from and return to home or headquarters.*† [Filed 10-10-46; Effective 10-15-46]

* For statutory citations, see note to §700.
† For source citations, see note to §600.

715. Railroad transportation. (a) No more than actual fare on any transportation service, in accordance with the latest tariffs at the time the trip was made, shall be allowed by the Controller. Special rates and round-trip rates shall be used whenever possible.

(b) One berth for each person will be allowed, except that elective constitutional officers, directors of departments, members Youth Authority, members Adult Authority, commissioners or chiefs of divisions appointed by the Governor, members of boards and commissions whose appointments are authorized by the Constitution, and nonsalaried board and commission members shall receive a maximum allowance of $4 per day for accommodations upon common carriers when vouchers are presented in support of the claim. [Filed 10-10-46; Effective 10-15-46]

(c) Unused portions of railroad and sleeping car tickets are subject to refunds and all steps necessary to secure refunds on such tickets shall be taken.

(d) Where it is necessary to use an extra fare train, or extra Pullman accommodations, a full explanation stating the facts constituting the official necessity shall accompany the expense account, together with a receipted voucher, except that where the trip is made by train not equipped with standard Pullman but is equipped with "roomette" accommodations, reimbursement may be claimed for roomette service upon presentation of voucher, without the necessity of such explanation.

(e) An unusual delay or a deviation from the shortest, usually traveled route shall be explained. If due to causes beyond the control of the individual, as, for example, awaiting train connections or accommodations or because of accidents, the additional expenses may be allowed, if fully explained.

(f) Tickets shall be purchased by the individual and reimbursement shall be made upon submission of proper expense account, or tickets may be procured on transportation orders, in which case the transportation order number shall be shown on the expense account. Where Pullman accommodations are secured on transportation orders, the transportation order number will be shown on the expense account. In cases of travel outside the State, transportation orders shall not be used.*†

* For statutory citations, see note to §700.
† For source citations, see note to §600.

DIVISION 2. FINANCIAL OPERATIONS

Printed March 22, 1945

CHAPTER 1. STATE BOARD OF CONTROL
CHAPTER 2. CONTROLLER (NO RULES FILED)
CHAPTER 3. DEPARTMENT OF FINANCE
CHAPTER 4. TREASURER (NO RULES FILED)

CHAPTER 1. STATE BOARD OF CONTROL

Article
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4. Presentation of Claims to the State Board of Control
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6. Pay Roll Claims
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12. Sales Tax Refunds on Sales of Dairy Cattle
13. Rules Adopted by Adjutant General and Approved by Board of Control Pursuant to Chapter 19, Statutes of First Extraordinary Session 1941-42 (State Guard)

Article 1. General Provisions

600. The rules and regulations contained in this chapter, unless otherwise noted, are based upon Sections 13920 and 13921 of the Government Code, which read as follows:

13920. By a majority vote, the Board shall adopt general rules and regulations:

(a) Limiting the amount, time and place of expenses and allowances to be paid to officers, agents and employees of the State while traveling on official State business.

(b) Governing such matters as are specifically committed to its jurisdiction.

(c) Governing the presentation and audit of claims against the State for which an appropriation has been made or for which a State fund is available.

13921. The Board shall cause a set of general rules and regulations to be printed for distribution among all State agencies and for the use of any one desiring to present a claim against the State.

NOTE.—§§ 600 to 795, inclusive, issued under authority contained in Section 13920, Gov. Code. The source of §§600 to 795, inclusive, is the rules and regulations of the State Board of Control.

601. Date Effective. The State Board of Control has adopted the following rules and regulations effective July 1, 1944. These rules and regulations repeal all other previous rules and regulations hitherto in effect.

602. Department Rules. Nothing contained in the rules hereby fixed shall be construed to prohibit a State department adopting rules governing its own employees; provided, such rules do not conflict with and are within the maximum of these rules and regulations.

*† For statutory and source citations, see note to §600.

Article 2. Appropriations

610. Fiscal year. (a) The State's fiscal year is from July 1 to and including June 30 of the following year. (Section 5 of Article XX of the Constitution.)

(b) The date of the agreement, contract, or purchase order for materials, supplies or equipment, determines the fiscal year to which the expenditure shall be charged, except that materials, supplies or equipment purchased and received in the months of May or June for use during the subsequent fiscal year may be paid for out of the appropriation for such subsequent fiscal year. Invoices covering such purchases shall be marked as follows: Purchased in_____F. Y. for use in _____F. Y.''*† (Amended 7-26-45.)

611. Availability of appropriations. (a) Appropriations are available only to meet expenditures incurred during the period specified in the appropriation act. Unless otherwise provided in the act, no appropriation is available to meet indebtedness incurred before the act takes effect or for obligations incurred after the close of the period for which the appropriation was made.

(b) If no period is specified in the act making the appropriation, the appropriation is available for expenditure during a period of three years from the date the appropriation became available. (See exceptions, Sec. 16304, Gov. C.)

(c) Encumbrances made during the period of availability and not paid during that period, may be paid during the year following the expiration of the period. If not paid by issuance of a Controller's warrant dated prior to the expiration of one year following the last day of the period of availability of the appropriation, the claim for which the money was encumbered is barred. (See exceptions, Sec. 16304, Gov. C.)

(d) Within the period of availability all appropriations, other than the budget act appropriations for support, are not restricted as to fiscal years, unless otherwise provided in the appropriation act itself.

(e) Not more than one-half of any appropriation for support made by the budget is available during the first fiscal year of the biennium, unless otherwise specified in the act or expressly authorized by the Board of Control.

(f) Any unexpended balance in any such support appropriation at the end of the first fiscal year is available for the second fiscal year of the same biennium and is transferable thereto by the Controller.*†

612. Reversion of appropriation. Unless otherwise provided in the appropriation act, the unexpended balance in every appropriation, upon the expiration of one year following the last day of the period of its availability, reverts to and becomes a part of the fund from which it was appropriated.*† (See exceptions, Sec. 16304, Gov. C.)

613. Purpose of appropriations. Appropriations are not interchangeable, and each shall be used only for the particular purpose defined in the act making the appropriation.*†

*† For statutory and source citations, see note to §600.

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to members of the armed services, who were outside the boundaries of the United States. Section 5 of Chapter 147, Statutes 1943, provides as follows:

> SEC. 5. The provisions of this act adding Section 8.2 to The Personal Income Tax Act and Section 17356 to the Revenue and Taxation Code shall apply to income received or accrued in the taxable year of 1942, and in all taxable years thereafter; the provisions of this act adding Section 13.1 to The Personal Income Tax Act and Section 18434 to the Revenue and Taxation Code shall apply to returns to be made for income received or accrued in any taxable years ending prior to the effective date of this act, and for all taxable years on or thereafter."

Thus, it is clear that under Section 5 of Chapter 147, the amendments to Section 13.1 are to be retroactively applied to all years. However, the Attorney General in Opinion No. NS 4869 (as explained in his memo of May 5, 1943), held that Section 8.2 could not, as the Legislature intended by Section 5 of Chapter 147, be applicable to income received or accrued in the taxable year 1942. This opinion established the right of the Legislature to exclude all compensation of members of the armed services from the basis of the personal income tax on and after January 1, 1943.

Stats. 1943, Ch. 25, p. 148. Amending Section 13 of The Personal Income Tax Act.)

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution, and shall therefore go into effect immediately. A statement of the facts constituting the necessity is as follows:

Most of the people of this State are engaged in the armed services of the United States or in some type of defense work. Officials authorized to administer oaths are not available to many of those people. Therefore, the elimination of the requirement of an oath will greatly facilitate the war effort.

NOTE.—Under Section 3 of Chapter 25, Statutes 1943, the amendments to Section 13 became effective on February 9, 1943, when the signed bill was filed with the Secretary of State. Thereafter and during the regular 1943 Legislative Session, these amendments were reenacted by Chapter 353, Statutes 1943. However, Chapter 25 made these amendments applicable for the taxable year 1942.

Stats. 1943, Ch. 354, p. 1568. (1943 Tax Reduction Bill.)

SEC. 6. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The necessity of high Federal taxation for war purposes requires that all State taxes be reduced wherever possible. The burden of State taxes must be alleviated if individuals are to meet the higher Federal taxes and the higher costs of living due to the war. It is therefore necessary that the personal income tax rates be reduced and that the personal exemptions be increased and a reduction in the amount of tax be granted for the period fixed by this act.

Stats. 1943, Ch. 26, p. 149. (Amending Section 8 of The Personal Income Tax Act to allow war losses.)

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and

shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The United States is at war with the Axis nations and as an unavoidable consequence of that conflict, the citizens of California will sustain losses by reason of the destruction or seizure of property. These losses are likely to be of such magnitude as to constitute serious burdens on taxpayers unless they can deduct them from their gross income in computing their income tax.

NOTE.—Statutes 1943, Chapter 26, was enacted at the short session of the 1943 Legislature to provide emergency legislation relative to deductions for "war losses." Under Section 3 of Chapter 26, this one amendment to Section 8 became effective immediately on February 9, 1943, when the signed bill was filed with the Secretary of State. Later the Legislature added Section 8.3 to The Personal Income Tax Act by Chapter 353, Statutes 1943. Under Section 130(i) of Chapter 353, Statutes 1943, the provisions of Section 8.3 were made applicable with respect to all taxable years ending after December 6, 1941.

APPENDIX D

GENERAL PROVISIONS OF THE 1945 AMENDATORY ACTS APPLICABLE TO THE PERSONAL INCOME TAX LAW

Stats. 1945, Ch. 645. (The following sections of the main 1945 amendatory act contain provisions relative to the taxable years during which the 1945 amendments were to be applied.)

SECTION 1. Section 3 of Chapter 659 of the Statutes of 1943 is repealed. In repealing Section 3 it is intended that the remaining provisions, as amended, of Chapter 659 of the Statutes of 1943 shall take effect upon the effective date of this act.

SEC. 122. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

SEC. 123. The provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for taxable years beginning after December 31, 1944, and the remaining provisions of this act shall become effective on the effective date of this act. Provisions effecting changes in the computation of taxes shall mean those affecting income, deductions, rates, method of calculating tax, exclusions, exemptions, and credits. Any amendment to any section of the Revenue and Taxation Code shall not, of itself, be taken as an indication that a change of meaning is intended.

Stats. 1945, Ch. 646.* (Relating to temporary tax relief under the Personal Income Tax Law.)

SEC. 22. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately. (June 5, 1945.)

SEC. 23.** This act shall become operative upon the taking effect of the Personal Income Tax Law, enacted by Chapter 659 of the Statutes of 1943, as amended, or upon the effective date of this act, whichever is later.

Stats. 1945, Ch. 860. (Amended Personal Income Tax Law to cover the effective date of the pension, etc., trust provisions.)

SEC. 6. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

SEC. 7. This act shall become operative upon the taking effect of the Personal Income Tax Law, enacted by Chapter 659 of the Statutes of 1943, as amended, or upon the effective date of this act, whichever is the later.

* Chapter 646 was signed after Chapter 645, although both were signed on the same day, to wit, June 5, 1945; therefore, both Chapter 645 and Chapter 646 became operative on June 5, 1945. It is also true that Chapter 659 of the Statutes of 1943 did, pursuant to the provisions of Section 1 of Chapter 645, Statutes 1945, become operative on June 5, 1945, and the old Personal Income Tax Act was repealed as of that date.

** There were several errors made in this act which were subsequently corrected by Statutes 1945, Chapter 1133.

Stats. 1945, Ch. 1133. (Relating to the simplified method of filing personal income tax returns.)

SEC. 4. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

Stats. 1945, Ch. 1138. (Relating to closing agreements.)

This act does not contain any section relating to its applicable date; therefore, it will become operative on September 15, 1945.

APPENDIX E

TABLE OF STATE AND FEDERAL INCOME TAX REGULATION REFERENCES

Federal	*State*
29.21-1	17051
29.22(a)-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 21, 22	17101
29.22(b) (1)-1	17122
29.22(b) (2)-1	17123
29.22(b) (2)-2	17124
29.22(b) (2)-3	17125
29.22(b) (2)-4	17125.3
29.22(b) (2)-5	17125.5
29.22(b) (2)-5	17125.7
29.22(b) (3)-1	17126
29.22(b) (11)-1	17131
29.22(b) (12)-1	17132-36
29.22(c)-1, 2, 3, 4, 5, 6, 7, 8	17501
29.22(d)-1, 2, 3, 4, 5, 6	17502-06
29.22(d)-7	17507-16
29.22(k)-1	17104-07
29.22(n)-1	17108
29.23(a)-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11	17301
29.23(a)-15	17302.5
29.23(b)-1	17304
29.23(c)-1, 3	17305
29.23(e)-1, 2, 3, 4, 5 29.23(i)-1	17306
29.23(g)-1	17307
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29.23(k)-1, 2, 3, 4, 5	17310-12
29.23(*l*)-1, 2, 3, 4, 5, 6, 7, 8, 9, 10	17313
29.23(m)-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28	17314
29.23(o)-1	17315-17
29.23(p)-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12	17324-24.17
29.23(u)-1	17317.5
29.23(x)-1	17319-19.5
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29.24-1, 2, 3, 4, 5, 9	17351
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29.25-3, 4, 5, 7	17951
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29.25-7	19200-02
29.41-1, 2, 3, 4	17556-57
29.42-1, 2, 3, 4, 5	17562
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29.44-5	17534-36
29.45-1	17521
29.47-2(b)	17558-60.9
29.51-1(b) 29.51-4 and 5	18401-04
29.107-1 and 2	17054-57
29.107-3	17058-59
29.111-1	17651-54
29.112(a)-1 and 2	17671
29.112(b) (1)-1	17674
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29.112(b) (10)-1(a)	17676.1
29.112(f)-1, 2	17672
29.112(g)-1, 2, 6	17679-80
29.112(g)-3	17678
29.112(g)-4, 5	17682-84
29.112(h)-1	17681
29.112(i)-1	17685
29.112(k)-1	17677
29.112(*l*)-1	17686
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29.113(a) (1)-1	17742
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29.113(a) (3)-1	17744
29.113(a) (4)-1	17745
29.113(a) (5)-1	17746
29.113(a) (6)-1 and 2	17747
29.113(a) (9)-1	17748
29.113(a) (10)-1	17749
29.113(a) (12)-1	17750
29.113(a) (13)-1, 2	17751
29.113(a) (14)-1	17752
29.113(b) (1)-1	17781-84.5
29.113(b) (2)-1	17785-86
29.113(c)-1	17787
29.114-1	17811-17
29.115-1, 3	17151
29.115-3	17160
29.115-4, 6	17157-58
29.115-5	17154
29.115-5	17156
29.115-7	17159
29.115-8	17153
29.115-9	17161
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29.115-12, 13, 14	17163-67
29.117-1	17711

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29.117-5	17711-26
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29.117-7	17721-24
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29.166-1, 2	18171
29.167-1	18172
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29.3797-11	17019.5

APPENDIX C

GENERAL PROVISIONS OF THE 1943 AMENDATORY ACTS APPLICABLE TO THE PERSONAL INCOME TAX LAW

Stats. 1943, Ch. 353, p. 1467. (The following sections of the 1943 Act contain provisions relative to the taxable years during which the 1943 amendments were to be applied:)

SEC. 129. Except as hereinafter provided in Section 130 of this act, the provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for taxable years beginning after December 31, 1942, and the remaining provisions of this act shall become effective on the effective date of this act. Provisions effecting changes in the computation of taxes shall include those affecting income, deductions, rates, methods of calculating tax, exclusions, exemptions and credits.

SEC. 130. (a) The provisions of this act adding Section 2(p), 7(k), 8(o), 12(j) and which amend Sections 7(b)(2) and 10(b) (insofar as they relate to Section 7(k)), of The Personal Income Tax Act, shall be applicable only with respect to taxable years beginning after December 31, 1942; except that if the first taxable year beginning after December 31, 1942, of the husband, does not begin on the same day as the first taxable year beginning after December 31, 1942, of the wife, such provisions shall first become applicable in the case of the husband on the first day of the wife's first taxable year beginning after December 31, 1942, regardless of the taxable year of the husband in which such day falls.

(c) The provisions of this act which amend Section 7(b)(2) (relating to employees' annuities), 8(m) and 12(f) of The Personal Income Tax Act shall be applicable only with respect to taxable years of the employer beginning after December 31, 1942, except that

(1) In the case of a stock bonus, pension, profit-sharing, or annuity plan in effect on or before September 1, 1943,

(A) Such a plan shall not become subject to the requirements of Section 12(f)(1)(C), (D), (E), and (F) until the beginning of the first taxable year beginning after December 31, 1943,

(B) Such a plan shall be considered as satisfying the requirements of Section 12(f)(1)(C), (D), (E) and (F) for the period beginning with the beginning of the first taxable year following December 31, 1943, and ending December 31, 1944, if the plan satisfies such requirements by December 31, 1944,

(C) If the contribution of an employer to such a plan in the employer's taxable year beginning in 1943 exceeds the maximum amount deductible for such year under Section 8(m), as amended by this act, the amount deductible in such year shall be not less than the sum of—

(i) The amount paid in such taxable year prior to September 1, 1943, and deductible under Section 8(a) or 8(m) prior to amendment by this act; and

(ii) With respect to the amount paid in such taxable year on or after September 1, 1943, that proportion of the amount deductible for the

taxable year under Section 8(m), as amended by this act, which the number of months after August 31, 1943, in the taxable year bears to 12.

(2) In the case of a stock bonus, pension, profit-sharing or annuity plan put into effect after September 1, 1943, such a plan shall be considered as satisfying the requirements of Section 12(f) (1)(C), (D), (E) and (F) for the period beginning with the date such plan is put into effect and ending December 31, 1944, if the plan satisfies such requirements by December 31, 1944.

(e) The provisions of this act which amend Sections 7(b)(9), 7(c)(2), 7(f), and add Section 8.1 shall be retroactive.

The provisions of this act which amend Section 9.4(c)(1) shall be applicable to all taxable years beginning after December 31, 1938.

(g) The provisions of this act which amend Sections 8(i) (relating to emergency facilities) and 9.3(b)(1)(B) shall be applicable only with respect to taxable years ending after October 6, 1940.

(i) The provisions of this act which add Section 8.3 shall be applicable only with respect to taxable years ending after December 6, 1941.

Stats. 1943, Ch. 34, p. 166. (Adding Section 5.1 to The Personal Income Tax Act.)

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of Article IV of the Constitution, and shall therefore go into effect immediately. A statement of the facts constituting the necessity is as follows:

The United States is at war with the Axis Powers. The successful prosecution of this war will be facilitated by the use, by thousands of defense workers, of a simplified State income tax form in that less of their time will be diverted from their war efforts.

NOTE.—This act allowing the optional method of filing became effective immediately when it was filed with the Secretary of State on February 9, 1943, and thus was applicable to 1942 personal income tax returns. During the latter part of the Session of the 1943 Legislature, Statutes 1943, Chapter 354 was adopted. Chapter 354 amended Section 5.1 and will be applicable to returns filed for the taxable year 1943 and subsequent years.

Stats. 1943, Ch. 47, p. 264. (Relating to compensation to members of our armed services and extensions of time for filing of returns by such members.)

SEC. 6. The provisions of this act adding Section 8.2 to The Personal Income Tax Act and Section 17356 to the Revenue and Taxation Code shall apply to income received or accrued after the effective date of this act; the provisions of this act adding Section 13.1 to The Personal Income Tax Act and Section 18434 to the Revenue and Taxation Code shall apply to returns to be made for income received or accrued in any taxable years ending prior to the effective date of this act, and for all taxable years on or thereafter.

NOTE.—Chapter 47 was adopted during the short session of the 1943 Legislative Session. Thereafter and during its regular session, the Legislature enacted Chapter 147, Statutes 1943. Chapter 147 reenacted the provisions of Section 8.2, added by Chapter 47, and amended the new Section 13.1, added by Chapter 47, by defining the words "continental United States" and granting certain relief under Sections 19 and 20

APPENDIX B

DISPOSITION OF ARTICLES FOR PERSONAL INCOME TAX ACT IN REGULATIONS FOR REVENUE AND TAXATION CODE

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2(d)-1	17006
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2(k)-2	17013-15(b)
2(k)-3	17013-15(c)
2(k)-4	17013-15(d)
2(k)-5	17013-15(e)
2(k)-6	17013-15(f)
2(k)-7	17013-15(g)
2(k)-8	17013-15(h)
2(q)-1	17019.5
3-1	18401-4(a)
3-2	18401-4(b)
3-3	18401-4(c)
3-4	18401-4(d)
3-5	18401-4(e)
3-6	18401-4(f)
3-7	18401-4(g)
4-1	18405(a)
4-2	18405(b)
4-3	18406
4-4	18405(c)
4-5	18405(d)
5-1	17052
5.1-1	17053.5(a)
5.1-2	17053.5(b)
5.1-3	17053.5(c)
6-1	17051
7(a)-1	17101(a)
7(a)-2	17101(b)
7(a)-3	17102
7(a)-4	17101(c)
7(a)-5	17101(d)
7(a)-6	17101(e)
7(a)-7	17101(f)
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7(b) (8)-1	17131
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7(c)-5	17501(e)
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7(c)-7	17501(g)
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7(c)-10	17502-06(b)
7(c)-11	17502-06(c)
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7(f)-2	17211-14(b)
7(f)-3	17211-14(c)
7(f)-4	17211-14(d)
7(f)-5	17211-14(e)
7(f)-6	17211-14(f)
7(g)-1	17151(a)
7(g)-2	17153
7(g)-3	17151(b)
7(g)-4	17157-58(a)
7(g)-5	17154-56
7(g)-6	17157-58(b)
7(g)-7	17159
7(g)-8	17160
7(g)-9	17161
7(g)-10	17152
7(g)-11	17162
7(g)-12	17163-67(a)
7(g)-13	17163-67(b)
7(g)-14	17163-67(c)
7(h)-1	17191-92(a)
7(h)-2	17191-92(b)
7(i)-1	17103
7(j)-1	17168
7(k)-1	17104-7
7.1-1	17054-57(a)
7.1-2	17054-57(b)
7.2-1	17250-57(a)
7.2-2	17250-57(b)
7.2-3	17250-57(c)
8(a)-1	17301(a)
8(a)-2	17301(b)
8(a)-3	17301(c)
8(a)-4	17301(d)
8(a)-5	17301(e)
8(a)-6	17301(f)

DISPOSITION OF ARTICLES FOR PERSONAL INCOME TAX ACT IN REGULATIONS FOR REVENUE AND TAXATION CODE—Continued

Article	*Regulation*
8(a)-7	17301(g)
8(a)-8	17301(h)
8(a)-9	17301(i)
8(a)-10	17301(j)
8(a)-11	17301(k)
8(a)-12	17302-5
8(b)-1	17304
8(c)-1 (a-d)	17305(a)
8(c)-1 (e)	17305.5
8(c)-2	17305(b)
8(c)-3	17305(c)
8(c)-4	17305(d)
8(d)-1	17306(a)
8(d)-2	17306(b)
8(d)-3	17306(c)
8(d)-4	17306(d)
8(d)-5	17306(e)
8(d)-6	17306(f)
8(e)-1	17308
8(f)-1	17310-12(a)
8(f)-2	17310-12(b)
8(f)-3	17310-12(c)
8(f)-4	17310-12(d)
8(f)-5	17310-12(e)
8(f)-6	17310-12(f)
8(g)-1	17309
8(h)-1	17307
8(i)-1	17313(a)
8(i)-2	17313(b)
8(i)-3	17313(c)
8(i)-4	17313(d)
8(i)-5	17313(e)
8(i)-6	17313(f)
8(i)-7	17313(g)
8(i)-8	17313(h)
8(i)-9	17313(i)
8(i)-10	17313(j)
8(j)-1	17314(a)
8(j)-2	17314(b)
8(j)-3	17314(c)
8(j)-4	17314(d)
8(j)-5	17314(e)
8(j)-6	17314(f)
8(j)-7	17314(g)
8(j)-8	17314(h)
8(j)-9	17314(i)
8(j)-10	17314(j)
8(j)-11	17314(k)
8(j)-12	17314(l)
8(j)-13	17314(m)
8(j)-14	17314(n)
8(j)-15	17314(o)
8(j)-16	17314(p)
8(j)-17	17314(q)
8(j)-18	17314(r)
8(j)-19	17314(s)
8(j)-20	17314(t)
8(j)-21	17314(u)
8(j)-22	17314(v)
8(j)-23	17314(w)
8(j)-24	17314(x)
8(j)-25	17314(y)
8(j)-26	17314(z)
8(j)-27	17314(aa)
8(l)-1	17315-17
8(l)-1 Last par.	17383
8(m)-1	17324-24.17(a)
8(m)-2	17324-24.17(b)
8(m)-3	17324-24.17(c)
8(m)-4	17324-24.17(d)
8(m)-5	17324-24.17(e)
8(m)-6	17324-24.17(f)
8(m)-7	17324-24.17(g)
8(m)-8	17324-24.17(h)
8(m)-9	17324-24.17(i)
8(m)-10	17324-24.17(j)
8(m)-11	17324-24.17(k)
8(m)-12	17324-24.17(l)
8(n)-1	17381-82
8(o)-1	17317.5
8(p)-1	17318.05-17318.7(a)
8(p)-2	17318.05-17318.7(b)
8(p)-3	17318.05-17318.7(c)
8(p)-4	17318.05-17318.7(d)
8(p)-5	17318.05-17318.7(e)
8(p)-6	17318.05-17318.7(f)
8(p)-7	17318.05-17318.7(g)
8(p)-8	17318.05-17318.7(h)
8(q)-1	17319-17319.5(a)
8(q)-2	17319-17319.5(b)
8(r)-1	17320-17320.5
8.1-1	17321-17322.9
8.2-1	17136.1
8.3-1	17325-50(a)
8.3-2	17325-50(b)
8.3-3	17325-50(c)
8.3-4	17325-50(d)
8.3-5	17325-50(e)
8.3-6	17325-50(f)
8.3-7	17325-50(g)
8.3-8	17325-50(h)
8.3-9	17325-50(i)
9(a)-1	17351(a)
9(a)-2	17351(b)
9(a)-3	17351(c)
9(a)-4	17351(d)
9(a)-5	17351(e)
9(a)-6	17351(f)
9(b)-1	17352-53
9(c)-1	17354
9(d)-1	17355
9.1-1	17651-54
9.2-1	17671
9.2-2	17674
9.2-3	17675
9.2-4	17676(a)
9.2-5	17676(b)
9.2-6	17676(c)
9.2-7	17676(d)
9.2-8	17676(e)
9.2-9	17672(a)

DISPOSITION OF PERSONAL INCOME TAX ACT IN REVENUE AND TAXATION CODE—Continued

Personal Income Tax Act Section	*Revenue and Taxation Code* Section
(k) 1st sent.	17104
2d, 3d sent.	17105
part of 4th sent.	17106
part of 4th sent. and all of 5th sent.	17107
7.1 (a)	17054
(b) 1st sent.	17055
2d sent.	17056
(c)	17057
7.2 (a) (1)	17250
(2) 1st sent.	17251
2d sent.	17252
(3)	17253
(b)	17254
(1)	17254
(2)	17255
(c) (1)	17256
(2)	17257
8 (a) (1) (A) 1st par.	17301
2d par.	17302
(B)	17357
(a) (2)	17302.5
(b)	17304
(c) 1st sent.	17305
2d sent.	17382
(1)	17305.5
(d)	17306
(e)	17308
(f) (1)	17310
(2)	17311
(3)	17312
(g)	17309
(h)	17307
(i)	17313
(j)	17314
(k)	not needed
8 (l) 1st to 5th par.	17315
7th par.	17316
8th par.	17317
last par.	17383
(m) (1)	17324
(A) 1st part of 1st sent.	17324.1
2d part of 1st sent. and (i) and (ii)	17324.2
(iii)	17324.3
(iv)	17324.4
(B)	17324.5
(C) 1st sent.	17324.6
2d sent.	17324.7
3d sent.	17324.8
4th sent.	17324.9
(D)	17324.10
(E)	17324.11
(F) 1st sent.	17324.12
2d sent.	17324.13
3d sent.	17324.14
4th sent.	17324.15
(2)	17324.16
(n)	17381
(o)	17317.5
(p)	17318.05
(p) (1)	17318.1
(2) (A)	17318.2
(B)	17318.3
(C)	17318.4
(3)	17318.5
(4)	17318.7
(q)	17319
(1)	17319.3
(2)	17319.5
(r) (1)	17320
(2) (A)	17320.3
(B)	17320.5
(s) (1)	17320.7
(2)	17320.7
8.1 (a)	17321
(1)	17321.3
(2)	17321.5
(3)	17321.7
(b)	17322
(c)	17322.3
(d)	17322.5
(e)	17322.7
(f)	17322.9
(g)	17332.11
8.2	17136.1
8.3 (a) (1)	17325
(A) (B) 4th par.	17326
4th par.	17327
4th par.	17328
(2)	17329
(3) 1st sent.	17330
2d, 3d sent.	17331
4th sent.	17332
(4)	17333
(b) (1)	17334
(2) 1st par.	17335
2d par.	17336
(c) (1)	17337
(2) 1st sent.	17338
2d sent.	17339
3d sent.	17340
4th sent.	17341
5th sent.	17342
6th sent.	17343
(3)	17344
(d) 1st sent.	17345
2d sent.	17346
3d sent.	17347
(e) (1)	17348
(2) (A)	17349
(B)	17349.5
(f)	17350
9 (a)	17351
(b) (1)	17352
(2)	17353

DISPOSITION OF PERSONAL INCOME TAX ACT IN REVENUE AND TAXATION CODE—Continued

Personal Income Tax Act Section	*Revenue and Taxation Code* Section
(c)	17354
(d)	17355
(e)	17356
9.1 (a)	17651
(b)	17652
(c)	17653
(d)	17654
9.2 (a)	17671
(b) (1)	17674
(2)	17675
(3)	17678
(4)	17676
(5)	17673
9.2 (c) (1)	17682
(2)	17683
(d)	17684
(e)	17672
(f) (1)	17679
(2)	17680
(g)	17681
(h)	17685
(i)	17677
9.3 (a)	17741
(1)	17742
(2) 1st sent.	17743
2d, 3d sent.	17743.1
(3)	17744
(4)	17745
(5)	17746
(6)	17747
(7)	17748
(8)	17749
(9)	17750
(10)	17751
(11)	17752
(12)	17753
(13)	17754
(14) (A)	17755
(B)	17756
(C)	17757
(b)	17781
(1) (A)	17782
(B)	17783
(C)	17784
(D)	17784.5
(2)	17785
4th par.	17786
(c)	17787
9.4 (a)	17712
(b)	17711
(c) (1)	17713
(2)	17714
(3)	17715
(4)	17716
(5)	17716.5
(d)	17717
(e) (1)	17718
(2)	17719
(f)	17720
(g) (1)	17721
(2)	17722
(A)	17723
(B)	17724
9.5 (a)	17811
(b) (1)	17812
(2) 1st sent.	17813
2d sent.	17814
3d sent.	17815
(3)	17816
(4)	17817
10 (a)	17951
(b)	17952
(c)	17953
(d)	17954
11 (a)	17531
(b)	17532
(c)	17533
(d) 1st sent.	17534
2d, 3d sent.	17535
4th sent.	17536
12 (a)	18101
(b)	omitted
(c) 1st par.	18102
2d par.	18103
3d par.	18104
4th par.	18105
5th par.	18106
(d)	18131
(1)	18132
(2) 1st, 4th sent.	18133
2d sent.	18134
3d sent.	18136
(3)	18137
(e)	18135
(f) (1)	18156
(A)	18157
(B)	18158
(C)	18159
(D)	18160
(E)	18161
(F)	18162
(f) (2)	18163
(3)	18164
(g)	18171
(h)	18172
(i)	18173
(j) (1) 1st sent.	18172.3
2d sent.	18172.5
(2)	18172.7
13 (a)	18431
(b)	18431.1
(c)	18432
(d)	18433
13.1	18434

Section 19353. Personal Income Tax Fund, Appropriation Therefrom for Administration. For expenditure by the commissioner in carrying out the provisions of this part there is appropriated out of the Personal Income Tax Fund a sum of money equal to 3 per cent, or so much thereof as may be necessary, of all moneys deposited in the fund. Section 31(c), part of 1st sent.

Section 19354. Personal Income Tax Fund, Use for Refunds. The balance of the moneys in the Personal Income Tax Fund shall, upon order of the Controller, be drawn therefrom for the purpose of making refunds under this part or be transferred to the General Fund. Section 31(c), part of last sent.

CHAPTER 16. VIOLATIONS

Section

19401. Penalty, for Violation of Act.
19402. Penalty, Compromise Thereof.
19403. Penalty, Certificate Is Prima Facie Evidence of Violation.
19404. Statute of Limitations.

Section 19401. Penalty, for Violation of Law. Any person who, with or without intent to evade any requirement of this part or any lawful requirement of the commissioner under this part, fails to file any return or to supply any information required under this part, or who, with or without such intent, makes, renders, signs, or verifies any false or fraudulent return or statement, or supplies any false or fraudulent information, is liable to a penalty of not more than one thousand dollars ($1,000). The penalty shall be recovered by the Attorney General or the franchise tax counsel for the commissioner in the name of the people by action in any court of competent jurisdiction. Section 30, 1st par.

The person is also guilty of a misdemeanor and shall upon conviction be fined not to exceed one thousand dollars ($1,000) or be imprisoned not to exceed one year, or both, at the discretion of the court.

Section 19402. Penalty, Compromise Thereof. The prosecutor may, with the consent of the commissioner, compromise any penalty for which he may bring action under this chapter. The penalties provided by this chapter are additional to all other penalties provided in this part. Section 30, 2d par.

Section 19403. Penalty, Certificate is Prima Facie Evidence of Violation. The certificate of the commissioner to the effect that a return has not been filed or that information has not been supplied as required by this part is prima facie evidence that the return has not been filed or that the information has not been supplied. Section 30, 3d par.

Section 19404. Statute of Limitations. Any action or prosecution under this chapter shall be instituted within four years after the commission of the offense. Section 30, 4th par.

CHAPTER 17. RES JUDICATA

Section

19451. Commissioner, Not Bound by Determination of Other Department.
19452. Res Adjudicata.
50015. The Personal Income Tax Act Is Repealed.

Section 19451. Commissioner, Not Bound by Determination of Other Department. In the determination of any issue of law or fact under this part, neither the commissioner nor any other officer or department having any administrative duties under this part nor any court is bound by the determination of any other officer or department of the State. Section 34.1, 1st sent.

Section 34.1, 2d sent.

Section 19452. Res Adjudicata. In the determination of any case arising under this part, the rule of res adjudicata is applicable only if the liability involved is for the same year as was involved in another case previously determined.

None

Section 50015.* Repeal of Personal Income Tax Act. The Personal Income Tax Act is Repealed.

* Chapter 659 of the Statutes of 1943 specifically provided that it was to "take effect July 1, 1945." Thus this act, which codified the old Personal Income Tax Act was not to become effective until approximately two years after it was enacted, and by the same token the Personal Income Tax Act was to remain in effect until July 1, 1945.

Section 1 of the Statutes of 1945, Chapter 645 (A. B. 1518), specifically provided that Chapter 659 of the Statutes of 1943, instead of becoming effective on July 1, 1945, as provided by Section 3 of that chapter, was to take effect "upon the effective date of this act (Chapter 645)." Chapter 645, Statutes of 1945, became effective on June 5, 1945; therefore Chapter 659, Statutes of 1943, and the new code became effective on June 5, 1945, and on the same date the Personal Income Tax Act was repealed. From that date on, all of the provisions covering California's Personal Income Tax laws are to be found in Part 10 of Division 2 of the Revenue and Taxation Code of this State.

to November 30, 1943. The combined personal exemption of A and B for the period during which they were married and living together; that is, $\frac{11}{12}$ of $3,500, or $3,208.33, may by agreement be taken either by A or by B's fiduciary on behalf of B or divided between them in any proportion. The personal exemption for the last taxable period of B is the amount of the combined personal exemption so taken by B's fiduciary. If A, the surviving spouse, files a return for the calendar year 1943, he may claim, in addition to his portion of the combined personal exemption, a personal exemption for the period from the date of the death of B to the close of his taxable year, that is, $\frac{1}{12}$ of $2,000, or $166.67.

Example (4): A furnished the chief support of a child, who was not the qualifying dependent for head of a family, under 18 years age until the death of the child on June 20, 1943. If A makes a return on the calendar basis for 1943, he is entitled, in addition to the personal exemption allowed under Sections 17951 and 19201, to a credit for dependents in the amount of $200; that is, $\frac{6}{12}$ of $400.

Example (5): A and B were married and living together until June 30, 1943, when A, the husband, died. Prior to the date of death, A was the chief support of a child, who was not the qualifying dependent for head of a family, 10 years of age. B, the surviving spouse, was the chief support of the child during the remainder of the year. If B makes a return for 1943 on the calendar-year basis, she is entitled, in addition to a personal exemption, to a credit for dependents in the amount of $200; that is, $\frac{6}{12}$ of $400. The executor or administrator in making a return for A is entitled, in addition to a personal exemption, to a credit for dependents in the amount of $200; that is, $\frac{6}{12}$ of $400.

Reg. 19200-19202(d). Exemption for Estates and Trusts for Taxable Years Beginning After December 31, 1942, and Prior to January 1, 1947. For taxable years beginning after December 31, 1942, and prior to January 1, 1947, an estate is entitled to an exemption of $1,500 and a trust is entitled to an exemption of $100. Art. 29.5(d)4

Reg. 19200-19202(e). Amount of Personal Exemption Allowable for Taxable Years Beginning After December 31, 1944, and Prior to January 1, 1947. A single person is entitled to a personal exemption of $3,000, and the head of a family or a married person is entitled to $4,500, regardless of the amount of the net income. A husband and wife have but one personal exemption, which is $4,500. If they make separate returns, each may claim one-half of the personal exemption, or such exemption may, in accordance with an agreement entered into None

by them, be taken by either or divided between them in any proportion.

See Regs. 17951(b-c) and Reg. 19200-02(a) for other regulations pertaining to personal exemptions.

Section 29.5(a)(1)

Section 19203. Filing Requirements, Temporary Provisions, 1943 and 1944. With respect to taxable years beginning after December 31, 1942, and before January 1, 1945, every individual taxable under this part shall make a return to the commissioner, stating specifically the items of his gross income and the deductions and credits allowed by this part, if he has for the the taxable year

(a) A net income of two thousand dollars ($2,000) or over, if single, or if married and not living with husband or wife;

(b) A net income of three thousand five hundred dollars ($3,500) or over, if married and living with husband or wife; or

(c) A gross income of five thousand dollars ($5,000) or over, regardless of the amount of net income.

None

Section 19203.5. Filing Requirements, Temporary Provisions, 1945 and 1946. With respect to taxable years beginning after December 31, 1944, and before January 1, 1947, every individual taxable under this part shall make a return to the commissioner, stating specifically the items of his gross income and the deductions and credits allowed by this part, if he has for the taxable year

(a) A net income of three thousand dollars ($3,000) or over, if single;

(b) A net income of four thousand five hundred dollars ($4,500) or over, if married; or

(c) A gross income of six thousand dollars ($6,000) or over, regardless of the amount of net income.

Section 29.5(a)(2)(i) and (ii)

Section 19204. Filing Requirements, Husband and Wife, Temporary Provisions, 1943 and 1944. With respect to taxable years beginning after December 31, 1942, and before January 1, 1945, if a husband and wife living together have for the taxable year an aggregate net income of three thousand five hundred dollars ($3,500) or over, or an aggregate gross income of five thousand dollars ($5,000) or over—

(a) Each shall make such a return, or

(b) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income.

None

Section 19204.5. Filing Requirements, Husband and Wife, Temporary Provisions, 1945 and 1946. With respect to taxable years beginning after December 31, 1944, and before January 1, 1947, if a husband and wife have for the taxable year an aggregate net income of four thousand five hundred dollars ($4,500) or over, or an aggregate gross income of six thousand dollars ($6,000) or over—

(a) Each shall make such a return, or

(b) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income. No joint return may be made if husband and wife have different taxable years.

Art. 29.5(a)-1

Reg. 19203-19204.5(a). Individual Returns for Taxable Years Beginning After December 31, 1942, and Prior to January 1, 1945. (1) Every single person and every married person not living with husband or wife for any part of the taxable year, whose gross income as defined in Chapter 3 is $5,000 or over, or whose net income as defined in Section 17051 is $2,000 or over, must make a return of income.

Every married person living with husband or wife for any part of the taxable year, but not at the close of the taxable year, must make a return if his gross income for the taxable year is $5,000 or more, or his net income is equal to, or in excess of, the credit allowed him by Sections 17951 and 19201 (computed without regard to his status as the head of a family). (See Reg. 17951(d).)

A husband and wife living together for the entire year need make no returns unless their aggregate gross income for the taxable years is at least $5,000, or their aggregate net income is at least $3,500. If their aggregate net income for the taxable year is $3,500 or more, or their aggregate gross income is $5,000 or more, either each must make a return, or the income of each must be included in a single joint return.

A husband and wife living together at the close of the taxable year but not during the entire taxable year must make a return or returns if their aggregate gross income for the taxable year is $5,000 or more, or their aggregate net income is equal to, or in excess of, the credit allowed them by Sections 17951 and 19201 (computed without regard to the status of either of them as the head of a family). (See Reg. 17951(d).) If the income of each is included in a single joint return, the tax is computed on the aggregate income and all deductions and credits to which either is entitled shall be taken from such aggregate income.

(2) In determining whether returns must be filed, income from all sources, in case of residents, must be considered; in case of nonresidents, only income from sources within this State should be considered. If the status of a person as a resident or nonresident changes during the taxable year, returns are required if the income, from all sources, received or accrued during the period the person was a resident, plus the income, from sources within this State, received or accrued during the period the person was a nonresident, equals or exceeds the amounts specified in (1) above. (See Reg. 17566.)

(3) A husband and wife, if living together at the close of the taxable year, may elect to make a joint return (see Section 18402); that is, to include in a single return made by them jointly the income and deductions of each, even though one has no gross income. In such a case, the tax shall be computed on the aggregate income. The liability with respect to the tax shall be joint and several. If one spouse dies prior to the last day of the taxable year, the surviving spouse may not include the income of the deceased spouse in a joint return for such taxable year.

A joint return of a husband and wife (if not made by an agent other than husband or wife, see Reg. 18401-04(e)) shall be signed by both spouses, except that one spouse may sign the return as the agent for the other, if the return is accompanied by

a power of attorney on Form 536, authorizing such action. The spouse acting as agent shall, with the principal, assume the responsibility for making the return and incur liability for the penalties provided for erroneous, false or fraudulent returns. The spouse who prepares the joint return of husband and wife shall execute the declaration that the joint return is made under penalties of perjury. The spouse who fills in the return shall be considered to have prepared the return. If the return is prepared by both spouses, or by neither spouse, then both spouses shall execute said declaration. Exceptions to both spouses signing are applicable to both spouses executing said declaration.

(4) Whether or not an individual is the head of a family or has dependents is immaterial in determining his liability to render a return. For returns by fiduciaries, see Section 19205; by partnerships, see Section 18303. See Regs. 18401-04(b-g) and 19203-04.5(b) for other regulations pertaining to individual returns.

None

Reg. 19203-19204.5(b). Individual Returns for Taxable Years Beginning After December 31, 1944, and Prior to January 1, 1947. (1) Every single person whose gross income as defined in Chapter 3 is $6,000 or over, or whose net income as defined in Section 17051 is $3,000 or over, must make a return of income.

A husband and wife (even though not living together) need make no returns unless their aggregate gross income for the taxable year is at least $6,000, or their aggregate net income is at least $4,500. If their aggregate net income for the taxable year is $4,500 or more, or their aggregate gross income is $6,000 or more, either each must make a return, or the income of each must be included in a single joint return.

(2) In determining whether returns must be filed, income from all sources, in case of residents, must be considered; in case of nonresidents, only income from sources within this State should be considered. If the status of a person as a resident or nonresident changes during the taxable year, returns are required if the income, from all sources, received or accrued during the period the person was a resident, plus the income, from sources within this State, received or accrued during the period the person was a nonresident, equals or exceeds the amounts specified in (1) above. (See Reg. 17566.)

(3) A husband and wife (even though not living together) may elect to make a joint return (see Section 18402); that is, to include in a single return made by them jointly the income and deductions of each, even though one has no gross income. In such a case, the tax shall be computed on the aggregate income. The liability with respect to the tax shall be joint and several.

If one spouse dies prior to the last day of the taxable year, the surviving spouse may not include the income of the deceased spouse in a joint return for such taxable year.

A joint return of a husband and wife (if not made by an agent other than husband or wife, see Reg. 18401-04(e)) shall be signed by both spouses, except that one spouse may sign the return as the agent for the other, if the return is accompanied by a power of attorney on Form 536, authorizing such action. The spouse acting as agent shall, with the principal, assume the responsibility for making the return and incur liability for the penalties provided for erroneous, false or fraudulent returns. The spouse who prepares the joint return of husband and wife shall execute the declaration that the joint return is made under penalties of perjury. The spouse who fills in the return shall be considered to have prepared the return. If the return is prepared by both spouses, or by neither spouse, then both spouses shall execute said declaration. Exceptions to both spouses signing are applicable to both spouses executing said declaration.

(4) Whether or not an individual is the head of a family or has dependents is immaterial in determining his liability to render a return. For returns by fiduciaries, see Section 19205.5; by partnerships, see Section 18303. See Regs. 18401-04(b-g) and 19203-04.5(a) for other regulations pertaining to individual returns.

Section 29.5(b)

Section 19205. Fiduciary Returns, Temporary Provisions, 1943 and 1944. With respect to taxable years beginning after December 31, 1942, and before January 1, 1945, every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make a return for any of the following taxpayers for whom he acts, stating specifically the items of gross income of the taxpayer and the deductions and credits allowed under this part;

(a) Every individual having a net income for the taxable year of two thousand dollars ($2,000) or over, if single, or if married and not living with husband or wife.

(b) Every individual having a net income for the taxable year of three thousand five hundred dollars ($3,500) or over, if married and living with husband or wife.

(c) Every individual having a gross income for the taxable year of five thousand dollars ($5,000) or over, regardless of the amount of his net income.

(d) Every estate the net income of which for the taxable year is one thousand five hundred dollars ($1,500) or over.

Art. 29.5(b)-1

Reg. 19205(a). Fiduciary Returns for Taxable Years Beginning After December 31, 1942, and Prior to January 1, 1945. (1) Every fiduciary, or at least one of joint fiduciaries, must make a return of income—

(a) For the individual whose income is in his charge if the income of the individual is such that the individual would be required to file a return in accordance with the pro-

visions of Reg. 19203-04.5(a) for taxable years beginning after December 31, 1942, and prior to January 1, 1945, were it not for the fact that the fiduciary is required to file the return for the individual. The return should be filed on Form 540, 540B, or 540NR.

(b) For the estate for which he acts if the net income of such estate is $1,500 or over, as computed under Chapter 8, and for the trust for which he acts if the net income of such trust is $100 or over, as computed under Chapter 8, or if the gross income of the estate or trust is $5,000 or over, regardless of the amount of the net income. Form 541 should be used.

(2) The executor or administrator of a decedent's estate must make a return for the decedent for the year in which the decedent died on Form 540, and, in the event the decedent has not filed returns for years prior to the year in which he died, for such prior years, if, (A) in the case of the year of death, the decedent's income from the beginning of that year until the date of his death, or (B) in the case of years prior to the year of death, if the decedent's income for each of such years was equal to, or in excess of, the credit allowed him by Sections 17951 and 17954 or Section 19201 (computed without regard to his status as the head of a family), or if his gross income for this period amounted to $5,000 or over. See Reg. 19200-02(c).

(3) In determining whether returns must be filed for an estate or a trust, the entire income of the trust from all sources (except income specifically exempt from taxation, see Chapter 3) must be considered if, in the case of an estate, the decedent was a resident of this State, or, in the case of a trust, if either the fiduciary or any of the beneficiaries are residents of this State (see Sections 18102-06). If, in the case of an estate, the decedent was not a resident of this State, or, if, in the case of a trust, neither the fiduciary nor any of the beneficiaries are residents of this State, only income from sources within this State should be considered (see Reg. 17211-14(b) for the meaning of sources within this State).

(4) The return in case (1) (a) shall be on Form 540, 540A or 540B. In case (1) (b) a return is required on Form 541.

A copy of the will or trust instrument sworn to by the fiduciary as a true and complete copy in cases in which the gross income of the estate or trust is $5,000 or over, must be filed with the fiduciary return of the estate or trust, together with a statement by the fiduciary indicating the provisions of the will or trust instrument which, in his opinion, determine the extent to which the income of the estate or trust is taxable to the estate or trust, the beneficiaries, or the grantor, respectively. If, however, a copy of the will or trust instrument, or statement relating to the provisions of the will or trust instrument, has once been

filed, it need not again be filed but the fiduciary return should indicate that such copy has been filed. If the trust instrument is amended in any way after such copy has been filed, a copy of the amendment, together with a statement by the fiduciary, indicating the effect, if any, in his opinion, of such amendment on the extent to which the income of the estate or trust is taxable to the estate or trust, the beneficiaries, or the grantor, respectively, must be filed with the return for the taxable year in which the amendment was made.

If the copy of the will or trust instrument cannot be filed at the time the fiduciary return is made without causing undue hardship to the fiduciary, such copy may be filed as soon as practicable thereafter but not later than six months after the time prescribed for the making of the fiduciary return (without regard to any extension of time granted for the filing of such return). In such a case a statement should be made in the fiduciary return showing the undue hardship which would result to the fiduciary if the copy of the will or trust instrument were filed at the time the fiduciary return is made and stating that the copy will be filed at the earliest practicable date. If the copy of the will or trust instrument is not filed at the time the return is filed, then such copy shall be forwarded directly to the Franchise Tax Commissioner, Income Tax Division, Sacramento 14, California.

For further duties and liabilities of fiduciaries, see Article 5 of Chapter 8.

Art. 29.5(b)-2

Reg. 19205(b). Return by Guardian or Committee for Taxable Years Beginning After December 31, 1942, and Prior to January 1, 1945. A fiduciary acting as the guardian of a minor, or as the guardian or committee of an insane person, having a net income equal to, or in excess of, the credit allowed such person by Sections 17951 and 19201 (computed without regard to the status of the minor or insane person as head of a family), or having a gross income of $5,000 or over, must make a return for such person on Form 540, 540A or 540B if such person is a resident, and on Form 540NR or 540B if such person is a nonresident, and pay the tax, unless in the case of a minor the minor himself makes a return or causes it to be made.

For the purpose of determining the liability of a fiduciary to render a return under the provisions of the preceding paragraph in cases where the minor or the incompetent is married and was living with husband or wife at the close of the taxable year, it is the aggregate gross income or the aggregate net income of both husband and wife which is controlling. (See Reg. 19203-04.5(a).)

Art. 29.5(b)-3

Reg. 19205(c). Return by Receiver for Taxable Years Beginning After December 31, 1942, and Prior to January 1, 1945. A receiver of all the property of an individual must

make a return of, and pay the tax upon, the income from such property if the net income amounts to $2,000 or more or the gross income to $5,000 or more during the taxable year of the receiver. If either the receiver or the individual is a resident of this State, the entire income from such property, regardless of where located, must be reported. If both the receiver and the individual are nonresidents, only income from property having a business or taxable situs in this State should be reported. The return should be made on Form 540, 540A or 540B, except that if both the receiver and the individual are nonresidents of the State, Form 540NR or 540B should be employed. A receiver in charge of the business of a partnership shall render a return on Form 565. A receiver of the rents and profits appointed to hold and operate a mortgaged parcel of real estate, but not in control of all the property or business of the mortgagor, and a receiver in partition proceedings, are not required to render returns of income. Likewise a receiver of a corporation is not required to make a return of income but should make a return for the corporation under the Bank and Corporation Franchise Tax Act (Ch. 13, Stats. 1929, as amended) or the Corporation Income Tax Act (Ch. 765, Stats. 1937, as amended) if the corporation is taxable under either of the acts.

See Regs. 18405(d), 18406, and 19205.5(a-c) for other regulations pertaining to fiduciary returns. Also see Sections 18405-07 and 19205.5.

None

Section 19205.5. Fiduciary Returns, Temporary Provisions, 1945 and 1946. With respect to taxable years beginning after December 31, 1944, and before January 1, 1947, every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make, under oath, a return for any of the following taxpayers for whom he acts, stating specifically the items of gross income of the taxpayer and the deductions and credits allowed under this part:

(a) Every individual having a net income for the taxable year of three thousand dollars ($3,000) or over, if single.

(b) Every individual having a net income for the taxable year of four thousand five hundred dollars ($4,500) or over, if married.

(c) Every individual having a gross income for the taxable year of six thousand dollars ($6,000) or over, regardless of the amount of his net income.

(d) Every estate the net income of which for the taxable year is one thousand five hundred dollars ($1,500) or over.

Art. 29.5(b)-1

Reg. 19205.5(a). Fiduciary Returns for Taxable Years Beginning After December 31, 1944, and Prior to January 1, 1947. (1) Every fiduciary, or at least one of joint fiduciaries, must make a return of income—

(a) For the individual whose income is in his charge if the income of the individual is such that the individual would be required to file a return in accordance with the provisions of Reg. 19203-04.5(b) were it not for the fact that the fiduciary is required to file the return for the individual.

(b) For the estate for which he acts if the net income of such estate is $1,500 or over, as computed under Chapter 8, and for the trust for which he acts if the net income of such trust is $100 or over, as computed under Chapter 8, or if the gross income of the estate or trust is $5,000 or over, regardless of the amount of the net income.

(2) The executor or administrator of a decedent's estate must make a return for the decedent for the year in which the decedent died on Form 540, and, in the event the decedent has not filed returns for years prior to the year in which he died, for such prior years, if, (A) in the case of the year of death, the decedent's income from the beginning of that year until the date of his death, or (B) in the case of years prior to the year of death, if the decedent's income for each of such years was equal to, or in excess of, the credit allowed him by Section 19201.5 (computed without regard to his status as the head of a family), or if his gross income for this period amounted to $6,000 or over.

(3) In determining whether returns must be filed for an estate or a trust, the entire income of the trust from all sources (except income specifically exempt from taxation, see Chapter 3) must be considered if, in the case of an estate, the decedent was a resident of this State, or, in the case of a trust, if either the fiduciary or any of the beneficiaries are residents of this State (see Sections 18102-06). If, in the case of an estate, the decedent was not a resident of this State, or, if, in the case of a trust, neither the fiduciary nor any of the beneficiaries are residents of this State, only income from sources within this State should be considered (see Reg. 17211-14(b) for the meaning of sources within this State).

(4) The return in case (1) (a) shall be on Form 540. In case 1 (b) a return is required on Form 541.

A copy of the will or trust instrument sworn to by the fiduciary as a true and complete copy in cases in which the gross income of the estate or trust is $5,000 or over, must be filed with the fiduciary return of the estate or trust, together with a statement by the fiduciary indicating the provisions of the will or trust instrument which, in his opinion, determine the extent to which the income of the estate or trust is taxable to the estate or trust, the beneficiaries, or the grantor, respectively. If, however, a copy of the will or trust instrument, or statement relating to the provisions of the will or trust instrument, has once been filed, it need not again be filed but the fiduciary return should indicate that such copy has been filed. If the trust instrument is amended in any way after such copy has been filed, a copy of the amendment, together with a statement by the fiduciary, indicating the effect, if any, in his opinion, of such amendment on the extent to which the income of the

estate or trust is taxable to the estate or trust, the beneficiaries, or the grantor, respectively, must be filed with the return for the taxable year in which the amendment was made.

If the copy of the will or trust instrument cannot be filed at the time the fiduciary return is made without causing undue hardship to the fiduciary, such copy may be filed as soon as practicable thereafter but not later than six months after the time prescribed for the making of the fiduciary return (without regard to any extension of time granted for the filing of such return). In such a case a statement should be made in the fiduciary return showing the undue hardship which would result to the fiduciary if the copy of the will or trust instrument were filed at the time the fiduciary return is made and stating that the copy will be filed at the earliest practicable date. If the copy of the will or trust instrument is not filed at the time the return is filed, then such copy shall be forwarded directly to the Franchise Tax Commissioner, Income Tax Division, Sacramento 14, California.

For further duties and liabilities of fiduciaries, see Art. 5 of Chapter 8.

Art. 29.5(b)-2

Reg. 19205.5(b). Return by Guardian or Committee for Taxable Years Beginning After December 31, 1944, and Prior to January 1, 1947. A fiduciary acting as the guardian of a minor, or as the guardian or committee of an insane person, having a net income equal to, or in excess of, the credit allowed such person by Section 19201.5 (computed without regard to the status of the minor or insane person as head of a family), or having a gross income of $6,000 or over, must make a return for such person on Form 540 if such person is a resident, and on Form 540NR if such person is a nonresident, and pay the tax, unless in the case of a minor the minor himself makes a return or causes it to be made.

For the purpose of determining the liability of a fiduciary to render a return under the provisions of the preceding paragraph in cases where the minor or the incompetent is married, it is the aggregate gross income or the aggregate net income of both husband and wife which is controlling. (See Reg. 19203-04.5(b).)

Art. 29.5(b)-3

Reg. 19205.5(c). Return by Receiver for Taxable Years Beginning After December 31, 1944, and Prior to January 1, 1947. A receiver of all the property of an individual must make a return of, and pay the tax upon, the income from such property if the net income amounts to $3,000 or more or the gross income to $6,000 or more during the taxable year of the receiver. If either the receiver or the individual is a resident of this State, the entire income from such property, regardless of where located, must be reported. If both the receiver and the individual are nonresidents, only income

from property having a business or taxable situs in this State should be reported. The return should be made on Form 540, except that if both the receiver and the individual are nonresidents of the State, Form 540NR should be employed. A receiver in charge of the business of a partnership shall render a return on Form 565. A receiver of the rents and profits appointed to hold and operate a mortgaged parcel of real estate, but not in control of all the property or business of the mortgagor, and a receiver in partition proceedings, are not required to render returns of income. Likewise a receiver of a corporation is not required to make a return of income but should make a return for the corporation under the Bank and Corporation Franchise Tax Act (Ch. 13, Stats. 1929, as amended) or the Corporation Income Tax Act (Ch. 765, Stats. 1937, as amended) if the corporation is taxable under either of the acts.

See Regs. 18405(d), 18406 and 19205(a-c) for other regulations pertaining to fiduciary returns. Also see Sections 18405-07 and 19205.

Section 19206. Married Person, When Status Determined Under Temporary Provisions. For the purposes of Sections 19201, 19203, 19204, and 19205 the determination of whether an individual is married or is the head of a family shall be made as of the last day of the taxable year, except if an individual or his spouse dies during the taxable year, such determination shall me made as of the date of death. None

Reg. 19206. Determination of Status of Married Person and Head of Family for Taxable Years Beginning After December 31, 1944. None For purposes of Sections 19201.5, 19203.5, 19204.5 and 19205.5 a taxpayer is treated as a married person or head of family if he is such as of the last day of the taxable year, except that if an individual or his spouse dies during the taxable year, such determination shall be made as of the date of death.

A husband and wife occupying the marital status as of the last day of the taxable year may elect to make a joint return even though the spouses are not living together at any time during the taxable year. If a joint return is made, the tax shall be computed on the aggregate income. If one spouse dies prior to the last day of the taxable year, the surviving spouse may not include the income of the deceased spouse in a joint return for such taxable year. (See Regs. 17053.5(b)(2) and 17954.)

CHAPTER 14. ADMINISTRATION OF TAX

Article 1. Powers and Duties of Commissioner

Section

19251. Franchise Tax Commissioner, Administrator.
19252. Branch Offices, Bases of Establishing.
19253. Rules and Regulations, Retroactivity.
19254. Commissioner, Power of Examination.
19255. Commissioner, Appointment of Agents and Assistants.
19256. Commissioner, Appointment of Deputies and Assistants to Conduct Hearings and Prescribe Regulations.
19257. Commissioner, Appointment of Assistants from Local District.
19258. Commissioner, Salaries of Assistants.
19259. Commissioner, Bonds of Assistants.
19260. Commissioner, Assistants to Take Oaths and Acknowledgments.

Section 32(a), 1st sent.

Section 19251. Franchise Tax Commissioner, Administrator. The commissioner shall administer and enforce this part. For this purpose he may divide the State into a reasonable number of districts, in each of which a branch office or offices may be maintained during all or such part of the time as may be necessary.

Section 32(a), 2d sent.

Section 19252. Branch Offices, Bases of Establishing. In the establishment of the districts and offices the commissioner shall give due consideration to the matter of economy of administration and service to the taxpayers.

Section 34

Section 19253. Rules and Regulations, Retroactivity. The commissioner shall prescribe all rules and regulations necessary for the enforcement of this part and may prescribe the extent, to which any ruling or regulation shall be applied without retroactive effect.

Section 32(b)

Section 19254. Commissioner, Power of Examination. For the purpose of ascertaining the correctness of any return or making an estimate of the taxable income of any taxpayer, the commissioner may examine any books, papers, records, or memoranda, bearing upon the matters required to be included in the return. He may require the attendance of the taxpayer or of any other person having knowledge in the premises and may take testimony and require proof material for his information. He may also administer an oath to such persons.

Section 32(c), 1st sent.

Section 19255. Commissioner, Appointment of Agents and Assistants. The commissioner may appoint and remove, in the manner provided by law, such officers, agents, branch office income tax deputies, and other employees as he deems necessary. They shall have such duties and powers as the commissioner from time to time prescribes.

Section 32(c), 2d sent.

Section 19256. Commissioner, Appointment of Deputies and Assistants to Conduct Hearings and Prescribe Regulations. The commissioner may appoint one or more deputies or assistants to conduct hearings, prescribe regulations, or perform any other duty imposed by this part or other laws of the State upon the commissioner.

Section 32(c), 3d sent.

Section 19257. Commissioner, Appointment of Assistants From Local District. Any temporary appointments of branch office income tax deputies and other branch office employees shall be made from eligible residents of the district in which the branch office is located.

CHAPTER 13.5. TEMPORARY TAX BASIS

Section

19200. Temporary Tax Rates.
19201. Personal Exemptions, Temporary Provisions 1943 and 1944.
19201.5. Personal Exemptions, Temporary Provisions 1945 and 1946.
19202. Estates and Trusts, Temporary Credits for 1943 to 1946, inclusive.
19203. Filing Requirements, Temporary Provisions, 1943 and 1944.
19203.5. Filing Requirements, Temporary Provisions, 1945 and 1946.
19204. Filing Requirements, Husband and Wife, Temporary Provisions, 1943 and 1944.
19204.5. Filing Requirements, Husband and Wife, Temporary Provisions, 1945 and 1946.
19205. Fiduciary Returns, Temporary Provisions, 1943 and 1944.
19205.5. Fiduciary Returns, Temporary Provisions, 1945 and 1946.
19206. Married Person, When Status Determined Under Temporary Provisions.

Section 19200. Temporary Tax Rates. With respect to taxable years beginning after December 31, 1942, and before January 1, 1947, there shall be levied, collected, and paid for each taxable year upon the entire net income of every resident of this State and upon the net income of every nonresident which is derived from sources within this State: Section 29.5(c)

Upon net incomes not in excess of ten thousand dollars ($10,000), 1 per cent of such net incomes.

One hundred dollars ($100) upon net incomes of ten thousand dollars ($10,000); and upon net incomes in excess of ten thousand dollars ($10,000) and not in excess of fifteen thousand dollars ($15,000), 2 per cent in addition of such excess.

Two hundred dollars ($200) upon net incomes of fifteen thousand dollars ($15,000); and upon net incomes in excess of fifteen thousand dollars ($15,000) and not in excess of twenty thousand dollars ($20,000), 3 per cent in addition of such excess.

Three hundred fifty dollars ($350) upon net incomes of twenty thousand dollars ($20,000); and upon net incomes in excess of twenty thousand dollars ($20,000) and not in excess of twenty-five thousand dollars ($25,000), 4 per cent in addition of such excess.

Five hundred fifty dollars ($550) upon net incomes of twenty-five thousand dollars ($25,000); and upon net incomes in excess of twenty-five thousand dollars ($25,000) and not in excess of thirty thousand dollars ($30,000), 5 per cent in addition of such excess.

Eight hundred dollars ($800) upon net incomes of thirty thousand dollars ($30,000); and upon net incomes in excess of thirty thousand dollars ($30,000), 6 per cent in addition of such excess.

Section 19201. Personal Exemptions, Temporary Provisions 1943 and 1944. With respect to taxable years beginning after December 31, 1942, and before January 1, 1945, there shall be allowed as a credit against net income, in the case of a single individual, a personal exemption of two thousand dollars ($2,000), or, in the case of a head of a family or a married individual living with husband or wife, a personal exemption of three thousand five hundred dollars ($3,500). A husband and wife living together shall receive but one personal exemption of three thousand five hundred dollars ($3,500). If the husband and wife, living together, make separate Section 29.5(d)(1)(2)(3)

returns, the personal exemption may be taken by either or divided between them.

None

Section 19201.5. Personal Exemptions, Temporary Provisions 1945 and 1946. With respect to taxable years beginning after December 31, 1944, and before January 1, 1947, there shall be allowed as a credit against net income, in the case of a single individual, a personal exemption of three thousand dollars ($3,000), or, in the case of a head of a family or a married individual, a personal exemption of four thousand five hundred dollars ($4,500). A husband and wife shall receive but one personal exemption of four thousand five hundred dollars ($4,500). If the husband and wife make separate returns, the personal exemption may be taken by either or divided between them.

Section 29.5(d)(2)

Section 19202. Estates and Trusts, Temporary Credits for 1943 to 1946, inclusive. With respect to taxable years beginning after December 31, 1942, and before January 1, 1947, there shall be allowed as a credit against net income, in the case of an estate, an exemption of one thousand five hundred dollars ($1,500) and, in the case of a trust, an exemption of one hundred dollars ($100).

Art. 29.5(d)-1

Reg. 19200-19202(a). Amount of Personal Exemption Allowable for Taxable Years Beginning After December 31, 1942, and Prior to January 1, 1945. A single person or a married person not living with husband or wife is entitled to a personal exemption of $2,000, and the head of a family or a married person living with husband or wife is entitled to $3,500, regardless of the amount of the net income. A husband and wife living together have but one personal exemption, which is $3,500. If they make separate returns, each may claim one-half of the personal exemption, or such exemption may, in accordance with an agreement entered into by them, be taken by either or divided between them in any proportion.

See Regs. 17951(b-c) and Reg. 19200-02(e) for other regulations pertaining to personal exemptions.

Art. 29.5(d)-2

Reg. 19200-19202(b). Credit for Dependents for Taxable Years Beginning After December 31, 1942, and Prior to January 1, 1945. A taxpayer receives a credit of $400 for each person (other than husband or wife), whether related to him or not and whether living with him or not, dependent upon and receiving his chief support from the taxpayer, provided the dependent is either (1) under 18, or (2) incapable of self-support because defective. For such credit where optional return is filed, see Section 17053.5.

The credit is based upon actual financial dependency and not mere legal dependency. It may accrue to a taxpayer who is not the head of a family. But a father whose children receive half or more of their support from a trust fund or other separate source is not entitled to the credit.

In the case of spouses who are divorced or legally separated under a decree of divorce or of separate maintenance, payments (in the nature of, or in lieu of, alimony or an allowance for support) received by one spouse which she is required under Sections 17104-07 and 18172.3-72.7 to include in her gross

Section 19053.7. Refund Claim, Seven-Year Period in Connection With Bad Debts, Etc. Insofar as the claim for credit or refund relates to an overpayment on account of the deductibility, under Section 17310, of a debt as one which became worthless, or a loss from worthlessness of a security under Section 17311, or Section 17307, or an erroneous inclusion of an amount attributable to the recovery of a bad debt, prior tax or delinquency amount, under Sections 17132, 17133, 17134, 17135, and 17136 due to an adjustment of a bad debt deduction under Section 17310, or a loss deduction from worthlessness of a security under Section 17311, or Section 17307, in lieu of the period of limitations prescribed in Section 19053, the period shall be seven years from the date prescribed by law for filing the return for the year with respect to which the claim is made. Section 20, 1st par., 5th sent.

Section 19054. Refund Claim, Effect of Denial. A refund claim upon which action has become final shall not thereafter be considered a refund claim within the meaning of the Section 19053 except to the extent it has been allowed. Section 20, 1st par., 6th sent.

Section 19055. Refund Claim, Form. Every claim for refund shall be in writing and shall state the specific grounds upon which it is founded. Section 20, 1st par., 7th sent.

Section 19056. Refund Claim, Notice of Denial. If the commissioner disallows any claim for refund, he shall notify the taxpayer accordingly. Section 20, 2d par., 1st sent.

Section 19057. Refund Claim, Finality of Action. At the expiration of 90 days from the mailing of the notice, the commissioner's action upon the claim is final unless within the 90-day period the taxpayer appeals in writing from the action of the commissioner to the board. Section 20, 2d par., 2d sent.

Section 19058. Refund Claim, May Be Deemed Disallowed After Six Months. If the commissioner fails to mail notice of action on any refund claim within six months after the claim is filed, the taxpayer may prior to mailing of notice of action on the refund claim consider the claim disallowed and appeal to the board. Section 20, 2d par., 3d sent.

Section 19059. Appeal to Board, Form and Mailing. Appeals shall be addressed and mailed to the State Board of Equalization at Sacramento, California, and a copy of the appeal addressed and mailed at the same time to the Franchise Tax Commissioner at Sacramento, California. Section 20, 2d par., 4th sent.

Section 19060. Appeals to Board, Action. The board shall hear and determine the appeal and thereafter shall forthwith notify the taxpayer and the commissioner of its determination. Section 20, 2d par., 5th sent.

Section 19061. Appeal to Board, Finality of Action. The determination is final upon the expiration of 30 days from the date of the determination unless within the 30-day period, the taxpayer or commissioner files a petition for rehearing with the board. In that event the determination becomes final upon the expiration of 30 days from the date the board issues its opinion on the petition. Section 20, 2d par., 6th sent.

Section 19061.1. Effect of Payment of Tax After Protest or Appeal to Board. If, after filing a protest or an appeal to the State Board of Equalization pursuant to Article 2 of Chapter 11, a taxpayer pays the tax protested, before the commissioner acts upon the protest, or the board upon the appeal, the commissioner or board shall treat the protest or the appeal as a claim for refund or an appeal from the denial of a claim for refund filed under this section. None

Section 19062. Refund Claims, Interest. Interest shall be allowed and paid upon any overpayment of any tax, if the overpayment was not Section 20, 3d par.

made because of an error or mistake on the part of the taxpayer, at the rate of 6 per cent per annum as follows:

(a) In the case of a credit, from the date of the overpayment to the date of the allowance of the credit. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this part.

(b) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the commissioner.

Art. 20-1

Reg. 19051-19062. Refunds and Credits for Overpayments. (1) **General Rule.** Overpayments of the tax may be credited on taxes due under the law or refunded to the taxpayer if such overpayments are approved by the State Board of Control, even though not paid under protest. However, credit for an overpayment may be allowed or a refund made only if the taxpayer has filed a claim for refund within the time specified in Article 1 of Chapter 13, i.e., within four years from the time prescribed for filing the return for the year for which the overpayment was made or within one year after the overpayment was paid, whichever is later, or unless before the expiration of such period the commissioner has certified the overpayment to the State Board of Control for approval of the refunding or the crediting thereof.

(2) **Exception to General Rule.** Despite the limitations contained in subsection (1) of this regulation, a credit for an overpayment may be claimed or allowed or a refund claimed or made:

(a) Within the period within which the commissioner may propose an additional assessment against taxpayer if:

(i) The taxpayer has, within the period prescribed in subsection (1), agreed in writing, under the provisions of Article 2 of Chapter 11, to extend the time within which the commissioner may propose an additional assessment; or, if, within such period.

(ii) The taxpayer has agreed with the United States Commissioner of Internal Revenue for an extension (or renewals thereof) of the period for proposing and assessing deficiencies in Federal income tax for any year.

(iii) The provisions of subsection (1) of this regulation shall apply to any claim filed, or credit or refund allowed or made before the execution of the agreements referred to in subparagraphs (i) and (ii), or to any overpayment for which a claim was barred as of May 7, 1943.

(b) Within seven years from the date prescribed by the law for filing the return for the year with respect to which the claim is made:

(i) If the claim for credit or refund relates to an overpayment on account of (A) the deductibility, under Section 17310, of a debt as one which became worthless, or (B) a loss from worthlessness of a security under Section 17307 or Section

17311, or (c) an erroneous inclusion of an amount attributable to the recovery of a bad debt, prior tax or delinquency amount, under Sections 17132-36 due to an adjustment of a bad debt deduction under Section 17310 or a loss deduction from worthlessness of a security under Section 17307 or Section 17311.

(3) Every claim for refund must be in writing, and specifically state the grounds upon which the claim is founded.

Although the law does not specifically provide for oral hearings before the commissioner on claims for refund, a hearing will be arranged at such time and place as the commissioner may determine if requested by the taxpayer.

(4) If a refund claim is filed by a legal representative of a deceased individual, certified copies of the letters testamentary, letters of administration, or other similar evidence must be annexed to the claim, to show the authority of the executor, administrator, or other fiduciary by whom the claim is filed. If an executor, administrator, guardian, trustee, receiver, or other fiduciary files a return and thereafter a refund claim is filed by the same fiduciary, documentary evidence to establish the legal authority of the fiduciary may be requested but need not accompany the claim, provided a statement is made in the claim showing that the return was filed by the fiduciary and that the latter is still acting. In such cases, if a refund or interest is to be paid, letters testamentary, letters of administration, or other evidence may be required, but should be submitted only upon the receipt of a specific request therefor. If a claim is filed by a fiduciary other than the one by whom the return was filed, the necessary documentary evidence should accompany the claim.

(5) If the commissioner denies a claim for refund or fails to act upon any claim within six months after it is filed, the taxpayer may, within 90 days after mailing the notice of the commissioner's action or at any time after the expiration of said six months, appeal to the State board or institute court action under Article 2 of Chapter 13. If appeal to the State board is taken, the appeal must be addressed and mailed to the State Board of Equalization, Sacramento 14, California, and a copy addressed and mailed to the Franchise Tax Commissioner, Income Tax Division, Sacramento 14, California, at the same time.

The determination of the State Board of Equalization of taxpayer's appeal thereto shall be final upon expiration of 30 days from such determination, unless within such 30-day period, the taxpayer or the commissioner files a petition for rehearing with said board in which event the board's determination shall become final upon the expiration of 30 days from the time the board serves its opinion on said petition.

(6) Protests and appeals to the board after denial of protests shall be treated as claims for refund and appeals from denial of refund claims if a taxpayer pays the protested deficiency while such protest or appeal from denial of protest is pending.

(7) Interest on overpayments credited on taxes due under the law or refunded to the taxpayer will be allowed at the rate and in the manner specified in Articles 1, 3 and 4 of Chapter 13.

(8) Taxpayers may not on their own initiative offset an overpayment for one year or in one installment against taxes due for another year or in another installment. The full amount of the tax or any installment thereof for each year must be paid, notwithstanding that an overpayment may have been made, unless the taxpayer has filed a claim for refund of the overpayment and has been notified that the overpayment has been credited on the tax or installment due. See Sections 18690-91.1 and regulation issued thereunder.

(9) The 1943 amendments to Articles 1, 3 and 4 of Chapter 13 became effective on May 7, 1943, and are applicable to all refund claims *not barred* before that date (but, see subdivision (2) (a) (iii) of this regulation). However, the provisions of subdivision (2) (b) (i) of this regulation are to be given a retroactive application.

(Chapter 13—Overpayments and Refunds)

Article 2. Suit for Refund

Section

19081. Legal or Equitable Processes to Enjoin Assessment or Collection of Tax, Prohibited.
19082. Action, Taxpayer May Bring.
19083. Action, Time to Be Filed.
19084. Action, When It May Be Commenced After Refund Claim or Appeal.
19085. Action, Where Commissioner Fails to Act on Refund Claim After Six Months.
19086. Action, Commissioner to Be Named Defendant.
19087. Action, Service of Complaint.
19088. Actions, Commissioner May Demand They Be Tried in Sacramento County.
19089. Actions, Franchise Tax Counsel to Defend.
19090. Action Barred by Statute of Limitations.
19091. Actions, Interest on Judgment.
19092. Action, Payment of Judgment.

Section 21, 1st par., part of 1st sent.

Section 19081. Legal or Equitable Processes to Enjoin Assessment or Collection of Tax, Prohibited. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this State or against any officer of this State to prevent or enjoin the assessment or collection of any tax under this part.

Section 21, 1st par., part of 1st sent.

Section 19082. Action, Taxpayer May Bring. Any taxpayer claiming that the tax assessed against him pursuant to Articles 2 and 4 of Chapter 11 of this part is void in whole or in part may bring an action against the commissioner for the recovery of the whole or any part of the amount paid.

Section 21, 1st par., 2d sent.

Section 19083. Action, Time to Be Filed. The action shall be filed within four years from the last date prescribed for filing the return or within one year from the date the tax was paid, whichever period expires the later. No action may be filed for the recovery of a deficiency assess-

tions has not run on the refund claim or proposed assessment) and the balance, if any, shall be credited or refunded.

No interest shall accrue against a "related" taxpayer on that part of the deficiency which is extinguished by the credit for the period *subsequent to the date the overpayment was made.*

"Related" taxpayers, for purposes of this regulation, are grouped as follows:

(1) Husband and wife.

(2) Estate and beneficiary thereof.

(3) Trust and grantor.

(4) Trust and beneficiary thereof.

(5) Beneficiary of a trust and the grantor thereof.

In applying this regulation the commissioner will always attempt to obtain the consent of "related" taxpayers prior to applying it without such consent.

Reg. 18691-18691.1(c). Effect of Sections 18691 and 18691.1. The last paragraph of Sections 18691 and 18691.1 provides that these sections are not and never were intended as a limitation on the commissioner's right to offset or recoup barred assessments. None

Section 18692. Interest, None Where Overpayment Used as Offset. Notwithstanding Section 19062, no interest shall in any case be allowed on any overpayment to the extent credited on deficiencies pursuant to Sections 18690 and 18691. Section 15(d)(3)

Reg. 18692. Interest Where Deficiency Is Paid by Credit of Overpayment. Where the correction of an erroneous inclusion, exclusion or deduction of an item in the computation of income of any year results in an overpayment for one year and a deficiency for another year and all or any of the deficiency is paid by crediting the overpayment against it, no interest shall be assessed on that portion of the deficiency which is extinguished by the credit for the period of time subsequent to the date the overpayment was made. Art. 15(d)-2

CHAPTER 12. COLLECTION OF TAX

Article 1. Information at Source; Withholding Tax

Section

18801. Information at Source and Withholding, None on Exempt Interest.
18802. Information Returns, General.
18803. Information Returns, on Income From Securities.
18804. Information at Source and Withholding, Agent Entitled to Address of Recipient.
18805. Withholding of Tax, General.
18806. Liability for Failure to Withhold.
18807. Notice to Withhold, How Served.
18808. Failure to Withhold, Liability.
18809. Withholding Agent, Must Pay Without Resorting to Action.
18810. Withholding Tax, Refund Therefor.

Section 23(d)

Section 18801. Information at Source and Withholding, None on Exempt Interest. This article does not apply to the payment of interest obligations not taxable under this part.

Section 23(a)

Section 18802. Information Returns, General. Every individual, partnership, corporation, joint stock company or association, insurance company, business trust, or so-called Massachusetts trust, being a resident or having a place of business in this State, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of this State or any political subdivision of this State, having the control, receipt, custody, disposal, or payment of interest (other than interest coupons payable to bearer), dividends, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income amounting to one thousand dollars ($1,000) or over, paid or payable during any year to any taxpayer, shall make a complete return thereof under oath to the commissioner under such regulations and in such form and manner and to such extent as may be prescribed by him.

Section 23(b)

Section 18803. Information Returns, on Income From Securities. Such a return may be required, regardless of amounts, in the case of

(a) Payments of interest upon bonds, mortgages, deeds of trust, or other similar obligations of corporations.

(b) Dividends paid by corporations.

(c) Collections of items (not payable in the United States) of interest upon the bonds of foreign countries and interest upon the bonds of and dividends from corporations created or organized in a foreign country by persons undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange.

Section 23(c)

Section 18804. Information at Source and Withholding, Agent Entitled to Address of Recipient. When necessary to make effective the provisions of this article, the name and address of the recipient of income shall be furnished upon demand of the person paying the income.

Art. 23(a)-1

Reg. 18801-18804(a). Payments of Dividends. (1) Except as provided in (2) below, every corporation, joint stock company or association, insurance company, or Massachusetts or business trust, organized under the laws of this State or having a place of business in this State, must make an information return on Forms 596 and 599 for each calendar year respecting

Section 18645. Jeopardy Assessments, Hearing. If the taxpayer has so requested in his petition, the commissioner shall grant him or his authorized representative an oral hearing. Section 18(b), 3d sent.

Section 18646. Jeopardy Assessments, Action on Petition for Reassessment. The commissioner shall consider the petition for reassessment and notify the taxpayer of his decision thereon. His decision is final. Section 18(b), 2d sent.

Section 18647. Jeopardy Assessments, Presumptive Evidence of Jeopardy. In any proceeding brought to enforce payment of taxes made due and payable by this article, the finding of the commissioner under Section 18641, whether made after notice to the taxpayer or not, is for all purposes presumptive evidence that the assessment or collection of the tax or the deficiency was in jeopardy. A certificate of the commissioner of the mailing or issuing of the notices specified in this article is presumptive evidence that the notices were mailed or issued. Section 18(c)

Reg. 18643-18647. Stay of Jeopardy Assessment. The taxpayer is required to make payment of the amount of the jeopardy assessment within 10 days after the mailing or issuing of notice and demand by the commissioner, unless before the expiration of such 10-day period he files with the commissioner a petition for reassessment and a bond or other security of the character hereinafter prescribed. The bond must be in such amount, not exceeding double the amount for which the stay is desired, as the commissioner deems necessary and must be executed by sureties satisfactory to the commissioner. It must be conditioned upon the payment of the amount included therein as is not abated by a decision of the commissioner which has become final, together with the interest on such amount provided for in Section 18687. Art. 18-3

Upon the filing of a petition for reassessment and a bond of the character described within 10 days after the date of notice and demand for payment of the amount assessed, the collection of so much thereof as is covered by the bond or other security will be stayed. The taxpayer may at any time waive the stay of collection of the whole or any part of the amount covered by the bond or other security. If as a result of such waiver any part of the amount covered by the bond or other security is paid, or if any portion of the jeopardy assessment is abated by the commissioner, then the bond or other security shall at the request of the taxpayer be proportionately reduced. If the commissioner determines that the amount assessed is greater than the correct amount of the tax, the bond or other security will also be proportionately reduced at the request of the taxpayer.

After the commissioner has rendered his decision, he will then send notice and demand for the unpaid portion of the amount determined by him to be due, the collection of which has been stayed by the bond or other security. The commissioner will include in the notice and demand for the unpaid portion, interest at the rate of 6 per cent per annum from the date of the jeopardy notice and demand to the date of the notice and demand referred to in this paragraph. If the amount of the

jeopardy assessment is in excess of the amount determined by the commissioner, the unpaid portion of such excess will be abated. If any part of the excess amount has been paid, it will be credited or refunded to the taxpayer as provided in Article 1 of Chapter 13.

Section 18(d)

Section 18648. Collection of Tax, Where No or False Return. (a) If any taxpayer fails to file a return, or files a false or fraudulent return with intent to evade the tax, for any taxable year, the commissioner, at any time, may require a return or a supplementary return under oath, or may make an estimate of the net income, from any available information, and may propose to assess the amount of tax, interest, and penalties due under this act. All the provisions of this part relative to delinquent taxes shall be applicable to the tax, interest, and penalties due under this act.

(b) When any assessment is proposed under the preceding paragraph, the taxpayer shall have the right to protest the same and to have an oral hearing thereon if requested, and also to appeal to the board from the commissioner's action on the protest; the taxpayer must proceed in the manner and within the time prescribed by Sections 18590 to 18596, inclusive.

None

Reg. 18648. Procedure Where No Return Is Filed or a False Return is Filed. For taxable years commencing after December 31, 1944, a taxpayer is given the same administrative rights in cases where the commissioner has proposed to issue an assessment after a taxpayer has filed a fraudulent return or failed to file a return that he would have if the taxpayer had not filed a fraudulent return or had not failed to file a return. However, see Section 18682 and Reg. 18681-83(c).

Section 18(e), 1st sent.

Section 18649. Bankruptcy or Receivership, Immediate Assessment. Upon the adjudication of bankruptcy of any taxpayer in any bankruptcy proceeding or the appointment of a receiver for any taxpayer in any receivership proceeding before any court of the United States or of any State or Territory or of the District of Columbia, any deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) determined by the commissioner in respect of a tax imposed by this part upon the taxpayer may be immediately assessed.

Section 18(e), 2d sent.

Section 18650. Bankruptcy, Notice to Commissioner. The trustee in bankruptcy or receiver shall give notice in writing to the commissioner of the adjudication of bankruptcy or the appointment of the receiver. The running of the statute of limitations on the making of assessments shall be suspended for the period from the date of adjudication in bankruptcy or the appointment of the receiver to a date 30 days after the date upon which the notice from the trustee or receiver is received by the commissioner; but in no case shall the suspension be for a period in excess of two years.

Section 18(e), 3d sent.

Section 18651. Bankruptcy, Claim for Tax and Effect on Board of Appeals. Claims for the deficiency and such interest, additional amounts and additions to the tax may be presented, for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of proceedings for the redetermination of the deficiency pursuant to a petition to the board. No petition for a redetermination may be filed with the board after the adjudication of bankruptcy or the appointment of the receiver.

Section 18(e), last sent.

Section 18652. Bankruptcy Proceedings, Collection After. Upon notice and demand from the commissioner after termination of the bankruptcy or receivership proceeding, the taxpayer shall pay any portion of the claim allowed in the proceeding which is unpaid. The unpaid amount

(3) In the military or naval forces of the United States and without the United States, it is impossible or impracticable to perform any one or more of the acts specified as being required of a taxpayer, then, in determining, under the law, whether such act was performed within the time prescribed therefor, there shall be disregarded such period subsequent to December 6, 1941, during which performance of the specified acts is impossible or impracticable.

Section 18472. Certain Acts Postponed, Time of Extension. The period of time disregarded under this article shall not extend beyond whichever of the following dates is the earlier: Section 34.2(c)

(1) The fifteenth day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President of the United States; or

(2) In the case of an individual with respect to whom a period of time is disregarded under this article, the fifteenth day of the third month following the month in which an executor, administrator, or a conservator of the estate of the individual qualifies.

Reg. 18472. Limitation of Period of Time to Be Disregarded. The period of time to be disregarded under Article 4 of Chapter 10 shall not extend beyond whichever of the following dates is the earlier: (1) The fifteenth day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated as proclaimed by the President of the United States; or (2) in the case of an individual with respect to whom a period of time is disregarded, under Article 4 of Chapter 10, the fifteenth day of the third month following the month in which an executor, administrator, or a conservator of the estate of such individual qualified. Art. 34.2(c)-1

Section 18473. Extensions, Fiduciary, Persons Secondarily Liable, and in Case of Jeopardy Assessment. Notwithstanding the provisions of Section 18470, any action or proceeding authorized by Article 4, of Chapter 11 (regardless of the taxable year for which the tax arose), Article 5 of Chapter 8, Sections 18621 and 18622, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted. Section 34.2(d)(1), 1st sent.

Section 18474. Extensions, Not Applicable Where Collection Jeopardized; Computation of Interest. In any other case in which the commissioner determines that collection of the amount of any assessment would be jeopardized by delay, the provisions of Section 18470 shall not operate to stay collection of that amount by distraint or otherwise as authorized by law. There shall be excluded from any amount assessed or collected pursuant to this section the amount of interest, penalty, additional amount, and addition to the tax, if any, in respect of the period disregarded under this article. Section 34.2(d)(1), 2d and 3d sents.

Section 18475. Notices, in Cases Where No Mail Delivery. In any case to which Sections 18473 and 18474 relates, if the commissioner is required to give any notice to or make any demand upon any person, that requirement shall be satisfied if the notice or demand is prepared and signed, in any case in which the address of such person last known to the commissioner is in an area for which United States post offices under instructions of the Postmaster General are not, by reason of the war, accepting mail for delivery at the time the notice or demand is signed. In Section 34.2(d)(1), last 2 sents.

that case the notice or demand shall be deemed to have been given or made upon the date it is signed.

Section 34.2(d)(2)

Section 18476. Extensions, Not Granted Unless Commissioner Aware of Right to Extension. The assessment or collection of any tax or of any liability under this part, or any action in connection therewith, may be made, taken, begun, or prosecuted in accordance with law, without regard to the provisions of Sections 18470 and 18471, unless prior to such assessment, collection, action, or proceeding it is ascertained that the person concerned is entitled to the benefits of those sections.

Section 34.2(d)(3)

Section 18477. Extensions, Not Applicable Where Statute Has Run. This article shall not operate to extend the time for performing any act specified in Section 18470 (g), (h), (i) or (j) if such time under the law in force prior to May 7, 1943, expired prior to that date.

Art. 34.2(d)-1

Reg. 18473-18477. Collection of Tax in Jeopardy. Notwithstanding the provisions of Article 4 of Chapter 10 providing for the postponement of the time for performing certain acts by reason of war, the commissioner may proceed, under Article 4 of Chapter 11, relating to jeopardy assessments, Article 5 of Chapter 8 relating to liability of fiduciaries, and Article 3 of Chapter 11 relating to lien of tax, whenever in his opinion a collection of the amount of any assessment would be jeopardized by delay.

As to special provisions relating to an extension of time granted members of the armed forces for the filing of returns and payment of tax, see Reg. 18434.

Section 34.2(e)(1) and (2)

Section 18478. Extensions, Definitions and Termination. (a) The term "Americas" means North, Central and South America (including the West Indies but not Greenland), and the Hawaiian Islands.

(b) For the purpose of determining whether any act specified in Section 18470 (g), (h), (i) or (j) was performed within the time prescribed therefor, if any period of time is disregarded under this article by reason of any individual being outside the Americas or within an area of enemy action or control, that individual shall not, if he returns to the Americas or leaves the area after the date of enactment of this article, be deemed to have returned to the Americas or ceased to be within that area before the date upon which the commissioner receives from that individual a notice thereof in such form as the commissioner shall by regulations prescribe. A similar rule shall be applied in the case of a member of the military or naval forces of the United States with respect to whom a period of time is disregarded under this article by reason of being outside the States of the Union and the District of Columbia.

Section 34.2(e)(3)

Section 18479. Extensions, Date Time Begins for a Fiduciary. For the purpose of determining whether any act specified in Section 18470 (g), (h), (i) or (j) was performed within the time prescribed therefor, the month in which an executor, administrator, or conservator qualifies, if he qualifies after the date of enactment of this article, shall be deemed to be the month in which the commissioner receives from him a notice thereof in such form as the commissioner shall by regulations prescribe.

CHAPTER 11. PAYMENTS AND ASSESSMENTS

Article 1. Payment of Tax

Section

18551. Tax, When Payable.
18552. Installment Payments, Election.
18553. Installment Payments, May Be Paid in Advance.
18554. Tax, Where Payable.
18555. Husband and Wife, Liability for Tax.

Section 18551. Tax, When Payable. The tax imposed under this part shall be paid on the fifteenth day of April following the close of the calendar year, or, if the return is made on the basis of a fiscal year, on the fifteenth day of the fourth month following the close of the fiscal year. Section 14(a)

Section 18552. Installment Payments, Election. On or before the date prescribed for the payment of the tax the taxpayer may elect to pay the tax in three equal installments. The first installment shall be paid on the date prescribed for the payment of the tax, the second installment shall be paid on the fifteenth day of the fourth month, and the third installment on the fifteenth day of the eighth month, after that date. If any installment is not paid on or before the date fixed for its payment, the whole amount of tax unpaid shall be paid upon notice and demand from the commissioner. Section 14(a)

Section 18553. Installment Payments, May Be Paid in Advance. The taxpayer may elect to pay the tax or any installment prior to the date prescribed for its payment. Section 14(b)

Section 18554. Tax, Where Payable. The tax, and any interest and penalties, shall be paid to the commissioner at Sacramento or to his authorized representatives at any branch office. Remittances may be in the form of uncertified check, payable to the State Treasurer, during such time and under such regulations as the commissioner may prescribe. If a check is not paid by the bank on which it is drawn, the taxpayer tendering the check remains liable for the payment of the tax, and all interest and penalties, as if he had not tendered the check. Section 14(c)

Reg. 18551-18554(a). Date on Which Tax Shall Be Paid. Art. 14-1
The tax, unless it is required to be withheld at the source (see Regs. 18805-10(a-e)) is to be paid on or before the fifteenth day of April following the close of the calendar year, or, if the return is made on the basis of a fiscal year, on or before the fifteenth day of the fourth month following the close of such fiscal year. The tax may, at the option of the taxpayer, be paid in three equal installments instead of in a single payment, in which case the first installment is to be paid on or before the date prescribed for the payment of the tax as a single payment, the second installment on or before the fifteenth day of the fourth month, and the third installment on or before the fifteenth day of the eighth month after such date. If the taxpayer elects to pay the tax in three installments, each of the three installments must be equal in amount, but any installment may be paid, at the election of the taxpayer, prior to the date prescribed for its payment. If an installment is not paid in full on or before the date fixed for its payment either by the law or by the commissioner in accordance with the terms of an

extension, the whole amount of the tax unpaid shall be paid upon notice and demand from the commissioner. See Reg. 18434 for extension granted to members of our armed forces and Merchant Marine, and Article 4 of Chapter 10 for extensions to persons outside the "Americas."

Art. 14-2 **Reg. 18551-18554(b). Place and Manner of Payment.** The tax should either be paid at one of the offices of the commissioner in the various cities of the State or should be mailed to the Franchise Tax Commissioner, Income Tax Division, Sacramento 14, California. Payments may be made in cash or by check, draft or money order. Checks, drafts, or money orders must be made payable to the Franchise Tax Commissioner.

Art. 14-3 **Reg. 18551-18554(c). Extension of Time for Payment of the Tax or Installment Thereof.** If it is shown to the satisfaction of the commissioner that the payment of the amount determined as the tax by the taxpayer or any part or installment thereof upon the date or dates prescribed for the payment thereof will result in undue hardship to the taxpayer, the commissioner, at the request of the taxpayer, may grant an extension of time for the payment for a period not to exceed six months from the date prescribed for the payment of such amount, part or installment. (See Section 18432.) The extension will not be granted upon a general statement of hardship. The term "undue hardship" means more than an inconvenience to the taxpayer. It must appear that substantial financial loss, for example, due to the sale of property at a sacrifice price, will result to the taxpayer from making payment of the amount at the due date. If a market exists, the sale of property at the current market price is not ordinarily considered as resulting in an undue hardship.

An application for an extension of time for the payment of such tax should be made under oath and must be accompanied or supported by evidence showing the undue hardship that would result to the taxpayer if the extension were refused. A sworn statement of assets and liabilities of the taxpayer is required and should accompany the application. An itemized statement showing all receipts and disbursements for each of the three months preceding the due date of the tax shall also be submitted. When an application for an extension is received, it will be examined immediately and, if possible, within 30 days will be rejected, approved or tentatively approved, subject to certain conditions of which the taxpayer will be immediately notified. The commissioner will not consider an application for an extension of time for the payment of a tax unless such application is made in writing, and is made on or before the due date of the tax or installment thereof for which the extension is

desired, or on or before the date or dates prescribed for payment in any prior extension granted.

As a condition to the granting of such an extension, the commissioner will usually require the taxpayer to furnish a bond in an amount not exceeding double the amount of the tax or to furnish other security satisfactory to the commissioner for the payment of the tax, or installment thereof, on the date prescribed for payment in the extension, so that the risk of loss to the State will not be greater at the end of the extension period that it was at the beginning of the period. If a bond is required it must be filed with the commissioner within 10 days after notification by the commissioner that such bond is required. It shall be conditioned upon the payment of the tax, interest, and additional amounts assessed in connection therewith in accordance with the terms of the extension granted, and shall be subject to the approval of the commissioner. An extension of time for the payment of one installment does not extend the time for payment of subsequent installments. Nor does an extension of time for filing a return extend the time for payment of the tax or any part thereof, unless so specified in the extension. If an extension of time for payment of the tax or any installment is granted, the amount, time for payment of which is so extended, shall be paid on or before the expiration of the period of the extension, together with interest at the rate of 6 per cent per annum on such amount from the date when the payment should have been made if no extension had been granted until the expiration of the period of the extension. (See Section 18687.)

Reg. 18551-18554(d). When Fractional Part of Cent May Be Disregarded. In the payment of taxes a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent. Fractional parts of a cent should not be disregarded in the computation of taxes. Art. 14-4

Reg. 18551-18554(e). Receipts for Tax Payments. Upon request the commissioner will give a receipt for each tax payment. In the case of payments made by check or money order the canceled check or the money order receipt is usually a sufficient receipt. In the case of payments in cash, however, the taxpayer should in every instance require a receipt. Art. 14-5

Section 18555. Husband and Wife, Liability for Tax. The spouse who controls the disposition of or who receives or spends community income as well as the spouse who is taxable on such income is liable for the payment of the taxes imposed by this part on such income. Where a joint return is filed by a husband and wife, the liability for the tax on the aggregate income is joint and several. Section 29

Art. 29-1 **Reg. 18555. Liability of Husband and Wife.** Where a joint return has been filed for any year, the liability for the tax on the aggregate income shall be joint and several.

Where separate returns were filed for any year prior to 1939, the liability for the tax shall be imposed solely upon the spouse filing such separate return. Where separate returns were or are filed for 1939 and subsequent years, the spouse who controls the disposition of or receives or spends community income as well as the spouse who is taxable on such income shall be liable for the payment of the taxes imposed by this law on such community income. The spouse filing a separate return for such period shall be liable for the tax imposed on the income from the separate property of such spouse.

(Chapter 11—Payments and Assessments)

Article 2. Deficiency Assessments

Section

18581. Deficiency Assessment, When Commissioner May Issue.
18582. Return, Examination by Commissioner.
18583. Notice of Additional Assessment.
18584. Notice, Form.
18585. Notice, Joint Returns.
18586. Proposed Assessments, Statute of Limitations.
18587. Proposed Assessment, Limitation Where Federal Waiver.
18588. Returns, When Deemed Filed.
18589. Waiver of Statute of Limitations.
18590. Protest, When and How to Be Filed.
18591. Proposed Assessments, When Final.
18592. Protest, Action and Hearing.
18593. Appeal to Board, When.
18594. Appeal to Board, Filing.
18595. Appeal, Action by Board.
18596. Board's Opinion, Finality.
18597. Notice of Deficiency, Due Date.
18598. Deficiency, Installment Payments.
18599. Deficiency Payments, Delinquent Installments.
18600. Certificate, Prima Facie Evidence.
18601. Mathematical Error, Collection of Tax Due.

Section 17, last sent. **Section 18581. Deficiency Assessment, When Commissioner May Issue.** The commissioner may proceed under this article or Article 4 whether or not he requires a return or a supplementary return under Section 18451.

Section 19, 1st par., 1st sent. **Section 18582. Return, Examination by Commissioner.** As soon as practicable after the return is filed, the commissioner shall examine it and shall determine the correct amount of the tax.

Section 19, 1st par., 2d sent. **Section 18583. Notice of Additional Assessment.** If the commissioner determines that the tax disclosed by the original return is less than the tax disclosed by his examination, he shall mail notice or notices to the taxpayer of the deficiency proposed to be assessed.

Section 19, 1st par., 3d sent. **Section 18584. Notice, Form.** Each notice shall set forth the details and computation of the deficiency.

Section 18585. Notice, Joint Returns. In the case of a joint return filed by husband and wife, the notice of deficiency may be a single joint notice, except that if the commissioner is notified by either spouse that separate residences have been established, he shall mail to each spouse, in lieu of the single joint notice, duplicate originals of the joint notice. Section 19, 2d par.

Section 18586. Proposed Assessments, Statute. Limitations of. Except in the case of a fraudulent return and except as otherwise provided in Sections 18587 and 18589, every notice of a proposed deficiency assessment shall be mailed to the taxpayer within four years after the return was filed. No deficiency shall be assessed or collected with respect to the year for which the return was filed unless the notice is mailed within the four-year period or the period otherwise fixed. Section 19, 8th par., part of 1st sent.

Section 18587. Proposed Assessment, Limitation Where Federal Waiver. If any taxpayer agrees with the United States Commissioner of Internal Revenue for an extension or renewals thereof of the period for proposing and assessing deficiencies in Federal income taxes for any year, the period for mailing a notice of a proposed deficiency shall be four years after the return was filed or six months after the date of the expiration of the agreed period for assessing deficiencies in the Federal income tax, whichever period expires the later. Section 19, 8th par. part of 1st sent.

Section 18588. Returns, When Deemed Filed. For the purposes of Sections 18586 and 18587 a return filed before the last day prescribed by law for filing shall be considered as filed on that day. Section 19, 8th par., 2d sent.

Section 18589. Waiver of Statute of Limitations. Where before the expiration of the time prescribed for the mailing of a notice of a proposed deficiency assessment, the taxpayer consents in writing to an assessment after that time, the assessment may be made at any time prior to the expiration of the period agreed upon. The period agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. Section 19, 9th par.

Section 18590. Protest, When and How to Be Filed. Within 60 days after the mailing of the notice of a proposed deficiency assessment the taxpayer may file with the commissioner a written protest against the proposed assessment, specifying in the protest the grounds upon which it is based. Section 19, 3d par.

Section 18591. Proposed Assessments, When Final. If no protest is filed, the amount of the deficiency assessed becomes final upon the expiration of the 60-day period. Section 19, 4th par., 1st sent.

Section 18592. Protest, Action and Hearing. If a protest is filed, the commissioner shall reconsider the assessment of the deficiency, and, if the taxpayer has so requested in his protest, shall grant the taxpayer or his authorized representatives an oral hearing. Section 19, 4th par., 2d sent.

Section 18593. Appeal to Board, When. The commissioner's action upon the protest is final upon the expiration of 30 days from the date when he mails notice of his action to the taxpayer, unless within that 30-day period the taxpayer appeals in writing from the action of the commissioner to the board. Section 19, 5th par., 1st sent.

Section 18594. Appeal to Board, Filing. The appeal shall be addressed and mailed to the State Board of Equalization at Sacramento, California, and a copy of the appeal addressed and mailed at the same time to the Franchise Tax Commissioner at Sacramento, California. Section 19, 5th par., 2d sent.

Section 18595. Appeal, Action by Board. The board shall hear and determine the appeal and thereafter shall forthwith notify the taxpayer and the commissioner of its determination and the reasons therefor. Section 19, 5th par., 3d sent.

Section 18596. Board's Opinion, Finality. The board's determination becomes final upon the expiration of 30 days from the time of the deter- Section 19, 5th par., 4th sent.

mination unless within the 30-day period the taxpayer or the commissioner files a petition for rehearing with the board. In that event the determination becomes final upon the expiration of 30 days from the time the board issues its opinion on the petition.

Section 19, 6th par., 1st sent.

Section 18597. Notice of Deficiency, Due Date. When a deficiency is determined and the assessment becomes final, the commissioner shall mail notice and demand to the taxpayer for the payment thereof. The deficiency assessed is due and payable at the expiration of 10 days from the date of the notice and demand, unless the taxpayer has elected to pay the tax in installments, in which case the deficiency shall be prorated to the three installments.

Section 19, 6th par., 2d sent.

Section 18598. Deficiency, Installment Payments. Except where a jeopardy assessment is made, the part of the deficiency prorated to any installment the date for payment of which has not arrived shall be collected at the same time as, and as part of, the installment.

Section 19, 6th par., last sent.

Section 18599. Deficiency Payments, Delinquent Installments. The part of the deficiency prorated to any installment the date for payment of which has arrived is due and payable at the expiration of 10 days from the date of the notice.

Section 19, 7th par.

Section 18600. Certificates, Prima Facie Evidence. A certificate by the commissioner or of the board, as the case may be, of the mailing of the notices specified in this article is prima facie evidence of the assessment of the deficiency and of the giving of the notices.

Section 19, 10th par.

Section 18601. Mathematical Error, Collection of Tax Due Thereon. Any amount of tax in excess of that disclosed by the return, due to a mathematical error, notice of which has been mailed to the taxpayer, is not a deficiency assessment. The taxpayer has no right of protest or appeal as in case of a deficiency assessment, based on such notice, and the assessment or collection of the amount of tax erroneously omitted in the return is not prohibited by any provision of this article.

Art. 19-1

Reg. 18581-18601(a). Deficiency Assessments—Protests—Appeals. (1) If an examination of a return discloses that due to a clerical error or mistake in preparing the return or in computing the tax, the tax has been understated, the taxpayer will immediately be notified of such fact and requested to pay any additional amount of tax that may be due on that account. Furthermore, if the examination of a return discloses a deficiency and the commissioner is of the opinion that the collection of the deficiency will be jeopardized by delay, a jeopardy assessment will immediately be made. (See Sections 18641-46, and 18648 and Regs. 18641-42(a), 18643-47 and 18649-53.) The provisions of Sections 18590-96 respecting protests and appeals are not applicable in the above cases.

(2) In all other cases where the tax disclosed by a return is less than the tax determined by the commissioner after examination of the return, a notice or notices proposing to assess a deficiency will be mailed to the taxpayer. At any time within 60 days of the mailing of the notice or notices the taxpayer may file a protest thereto. If an oral hearing before the commissioner upon the protest is desired, that fact must be indicated in the protest or at the time the protest is filed.

(3) If no protest is filed, the deficiency becomes final 60 days after the notice proposing to assess the deficiency is mailed and the entire amount thereof is due and payable 10 days after demand for payment of the deficiency is mailed to the taxpayer, unless the taxpayer has elected to pay the tax for the year for which the deficiency was proposed in installments and the time for payment of all of such installments has not elapsed. If the taxpayer has elected to pay such tax in installments and the time for payment of the first installment only has elapsed, one-third of the deficiency is due 10 days after mailing the demand, and the balance is due, one-half at the time the second installment is due and one-half at the time the third installment is due. If the time for payment of the first and second installments has elapsed, two-thirds of the deficiency is due 10 days after mailing of the demand, and the balance at the time the third installment is due.

(4) If a protest is filed in the manner and within the time specified in (2) above, and an oral hearing requested, the proposed deficiency assessment will be reconsidered in the light of the protest and the evidence adduced at the oral hearing. Notice of the time and place of the hearing will be given the taxpayer in due course. If an oral hearing is not requested, the proposed assessment will be reconsidered solely on the basis of the protest.

(5) After the commissioner has acted on the protest, notice of his action will be mailed to the taxpayer. Within 30 days after mailing the notice of action, the taxpayer may appeal to the State Board of Equalization. The appeal must be addressed and mailed to said board at Sacramento 14, California, within said 30-day period, and a copy thereof addressed and mailed to the Franchise Tax Commissioner, Income Tax Division, Sacramento 14, California, at the same time.

(6) If no appeal is filed with the State Board of Equalization within 30 days after mailing of the notice of the commissioner's action on the protest, the deficiency becomes final at the expiration of said 30-day period and the tax becomes due and payable ten days after demand for payment is mailed to the taxpayer as in the case where no protest is filed. (See (3) above.)

(7) If an appeal is filed with the State Board of Equalization in the manner and within the time specified, the board will hear and determine the same and will notify both the taxpayer and the commissioner of its determination and its reasons therefor. Such determination shall be final upon the expiration of 30 days from the time of such determination unless, within such 30-day period, the taxpayer or the commissioner files a petition for rehearing with said board, in which event the board's determination shall become final upon the expiration of 30 days from the

time the board's opinion is received by the commissioner and the taxpayer.

(8) Deficiency assessments bear interest at the rate of 6 per cent per year from the due date of the return on the basis of which proposed until assessed and demand for payment thereof is mailed. (See Sections 18686-89.) If a deficiency is not paid when it becomes due and payable as provided in Article 2 of Chapter 11 and in this regulation, the deficiency (plus any penalties and the accrued interest) bears interest at the rate of 6 per cent per year from the date of notice and demand for payment thereof until paid. (See Section 18689.)

(9) For relief accorded to members of our armed forces and certain other individuals, see Section 18434 and Article 4 of Chapter 10.

Art. 19-2 **Reg. 18581-18601(b). Period of Limitation for Proposing Deficiency Assessments.** If the tax disclosed by any return is less than the tax determined by the commissioner after examination of the return, a notice proposing to assess a deficiency may be mailed at any time within four years after the return was filed. For the purpose of the limitation on the time for proposing deficiency assessments, a return filed before the last day prescribed by the law for filing the return (see Article 2 of Chapter 10) is considered filed on such last day. Thus the four-year period of limitation in the case of a return filed, for example, on March 1, commences 3 months and 15 days after the close of the calendar year, but if an extension is granted, the period of limitation commences at the expiration of the period of extension; provided, however, that in the case of any taxpayer who shall agree with the United States Commissioner of Internal Revenue for an extension (or renewals thereof) of the period for proposing and assessing deficiencies in Federal income taxes for any year, the period for mailing notices of proposed deficiencies pursuant to this regulation shall be four years after the return was filed or six months after the date of the expiration of the agreed period for assessing deficiencies in Federal income tax, whichever period expires the later. This extended period is applicable to all proposed assessments which could have been asserted on and after July 18, 1941.

If a notice proposing to assess a deficiency is mailed within the prescribed period of limitation, the deficiency may be assessed and payment thereof demanded at any subsequent time when the tax becomes final as provided in Article 2 of Chapter 11 and Reg. 18581-18601(a). The taxpayer may consent in writing to extend the period of limitation for any term.

By amendment effective July 25, 1939, the period within which the assessment of deficiencies may be proposed was increased from three to four years after the return was filed. The extended period is applicable to all proposed assessments

(use Form 540), if his death occurred on or after January 1, 1935, or an affidavit under oath must be filed by the fiduciary setting forth the amount of personal exemption to which the decedent was entitled and stating that his net income for each such year did not equal or exceed such personal exemption and that his gross income did not amount to $5,000 or more ($6,000 or more for taxable years beginning after December 31, 1944, and before January 1, 1947).

(4) Any certificate issued pursuant to this regulation will be issued on the assumption that the estate is to be distributed during a particular year. If, for any reason, the estate is not distributed during the year specified in the certificate, a return or returns for such year or subsequent years must be filed and the tax, if any, paid or secured in accordance with the provisions of this regulation before a new certificate will be issued.

Section 26(b), 1st par.

Section 18204. Liability of Fiduciary for Nonpayment of Estate or Trust Taxes. Every fiduciary who pays in whole or in part any claim, other than claims for taxes, expenses of administration, funeral expenses, expenses of last illness, and family allowance, against the person, estate, or trust for whom or for which he acts, or who makes any distribution of the assets of the person, estate, or trust, before he satisfies and pays taxes, interest, and penalties, except penalties due from a decedent, which are imposed by this part on the person, estate, or trust for whom or for which he acts, or which constitute a claim against such person, estate, or trust, or which are a lien or charge on or against the assets of such person, estate, or trust, is personally liable to the State for the taxes, interest, and penalties to the extent of such payments and distributions.

Art. 26-3

Reg. 18204. Liability of Fiduciary for Nonpayment of Taxes. Section 18204 of the law imposes personal liability on fiduciaries for the failure to pay taxes, penalties and interest due from the person, estate or trust and taxes and interest due from a decedent under the provisions of this law, if the assets over which the fiduciary had control were sufficient to permit the payment of these amounts after the payment of the preferred charges. The preferred charges which may be paid in preference to taxes, penalties and interest imposed by this law are listed in Section 18204 which enumeration is exclusive. They are taxes, including Federal taxes, expenses of administration, funeral expenses, expenses of last illness and family allowance.

If, on the termination of the fiduciary capacity, the fiduciary desires a statement from the commissioner of any existing unpaid liability for which the fiduciary is secondarily liable, the fiduciary may obtain such statement by filing a request therefor together with a verified statement of: The period during which the fiduciary acted; the returns filed as fiduciary, with a reference to the form number, amount of net and gross income and year; reasons for not filing returns during any year in which the fiduciary acted as such; the name and address of the successor fiduciary, if any. This statement of liability is not

a certificate of clearance, and is intended merely to inform the fiduciary of any unsatisfied liability assessed or proposed to be assessed against the person, estate or trust for whom the fiduciary acted.

Section 26(b), last par.

Section 18205. Eighteen Months' Notice, by Fiduciary. In the case of income received or accrued during the life-time of a decedent, or by his estate during the period of administration, or by a trust, the commissioner shall mail notices proposing to assess the tax, and shall commence any proceeding in court without assessment for the collection of the tax, within 18 months after written request therefor (filed after the return is made) by the fiduciary of the estate or trust or by any other person liable for the tax or any portion thereof.

None

Section 18205.1. Waiver of 18 Months' Notice. After filing a request pursuant to Section 18205, a fiduciary may consent in writing to waive the limitation prescribed by said Section 18205.

Section 26(c)

Section 18206. Notice of Assumption of Fiduciary Capacity. Any person acting in a fiduciary capacity shall assume the duties and, upon giving notice to the commissioner, shall assume the rights and privileges of the taxpayers in respect of any tax imposed by this part (except as otherwise specifically provided), until he gives notice that his fiduciary capacity has terminated. He shall give notice under this section pursuant to rules and regulations prescribed by the commissioner.

Art. 26-2

Reg. 18206. Notices to Commissioner. The "notice to the commissioner" provided for in Section 18206 shall be a written notice signed by the fiduciary and filed with the commissioner.

The notice of assumption of fiduciary capacity must state the name and address of the fiduciary and of the person for whom the fiduciary is acting. Upon the mailing of such notice to the commissioner, the fiduciary shall assume the rights and privileges of the taxpayer in respect of a tax imposed by this law.

When the fiduciary capacity has terminated, the fiduciary, in order to be relieved of any further duty or liability as such, must file with the commissioner written notice that the fiduciary capacity has terminated as to him, accompanied by satisfactory evidence of the termination of that capacity. The notice of termination should state the name and address of the person, if any, who has been substituted as fiduciary, and the date of such substitution.

A fiduciary assumes all the duties imposed upon him by this law from the time he qualifies as such.

Section 18137. Deductions, Amounts Properly Paid or Credited. There shall be allowed as an additional deduction in computing the net income of the estate or trust Section 12(d)(3)

(a) In the case of income received by estates of deceased persons during the period of administration or settlement of the estate, and

(b) In the case of income which, in the discretion of the fiduciary, may be either distributed to the beneficiary or accumulated, the amount of the income of the estate or trust for its taxable year which is properly paid or credited during such year to any legatee, heir, or beneficiary, but the amount so allowed as a deduction shall be included in computing the net income of the legatee, heir, or beneficiary.

In such cases the income of the legatee, heir, or beneficiary, not a resident, shall be taxable only to the extent it is derived from sources within this State.

Reg. 18137(a). Deductions for Amounts Properly Paid or Credited. Estates and trusts may deduct any income of the estate of a deceased person or of a trust for its taxable year which is properly paid or credited during such year to a legatee, heir, or beneficiary, and any income either of such an estate or of a trust for its taxable year which is similarly paid or credited during that year to a legatee, heir, or beneficiary if there was vested in the fiduciary a discretion either to distribute or to accumulate such income. Art. 12(d)-1 (c)(2)

Reg. 18137(b). Taxable Income of Beneficiaries of Estates and Trusts. (1) Resident beneficiaries of an estate or trust are taxable upon all income of the estate or trust which is deductible by the estate or trust by virtue of its being paid or credited or distributed or distributable to the beneficiaries. In addition, resident beneficiaries are taxable upon amounts distributed or distributable to them out of income of the estate or trust for prior years and for which the estate or trust was not allowed a deduction, if such income was taxable to the estate or trust because of the residence of the fiduciary or beneficiary and if the taxes imposed on such income were not paid. Art. 12(d)-2

(2) Nonresident beneficiaries of an estate or trust are taxable upon the income of the estate or trust derived from sources within this State to the same extent as resident beneficiaries, but are not taxable upon any income derived by the estate or trust from other sources. For meaning of income from sources within this State, see Regs. 17211-14(a-f).

(3) Neither resident nor nonresident beneficiaries of an estate or trust are taxable upon any income of the estate or trust which is taxable to the estate or trust under the law and upon which the tax has been paid by the fiduciary.

(4) Any income of an estate or trust for its taxable year which during that year may be used, pursuant to the terms of the will or trust instrument, in the discharge or satisfaction, in whole or in part, of a legal obligation of any person is, to the extent so used, taxable to such person as though directly distributed to him as a beneficiary (see also, Reg. 18172).

(Chapter 8—Taxation of Estates and Trusts)

Article 3. Employees' Trusts

Section

18156. Employees' Trusts, Exempt, General Rule.
18157. Employees' Trusts, Exempt if Distributions to Beneficiaries.
18158. Employees' Trusts, Exempt if Corpus and Income Can Only Be Used for Benefit of Employees.
18159. Employees' Trusts, if the Plan Benefits Most of the Employees and Does Not Discriminate in Favor of Officers, etc.
18160. Employees' Trust, Exempt if it Does Not Discriminate in Favor of Supervising Officers, etc.
18161. Employees' Trust, Certain Exclusions Nondiscriminatory.
18162. Time When, Employees' Trust Exempt.
18163. Employees' Trust, When Distributions Taxable to Employee.
18164. Employees' Trust, Taxability of Distributions to Employee Where Trust Not Exempt.
18165. Employees' Trust, When Requirements Applicable.
18166. Employees' Trust, Effective Date of 1943 Amendments Applicable to Plan Put into Effect After September 1, 1943.
18167. Employees' Trust, Plan Put into Effect After December 31, 1944.

Section 12 (f) (1)

Section 18156. Employees' Trusts, Exempt, General Rule. A trust forming part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall not be taxable under Chapter 8 and no other provision of this chapter shall apply with respect to such trust or to its beneficiary if the trust meets all of the conditions prescribed by Sections 18157, 18158, 18159 and 18160.

Section 12 (f) (1) (A)

Section 18157. Employees' Trust, Exempt if Distributions to Beneficiaries. A trust described in Section 18156 is not taxable if contributions are made to the trust by the employer, or employees, or both, for the purpose of distributing to the employees or their beneficiaries the corpus and income of the fund accumulated by the trust in accordance with the plan.

Section 12 (f) (1) (B)

Section 18158. Employees' Trusts, Exempt if Corpus and Income Can Only Be Used for Benefit of Employees. A trust described in Section 18156 is not taxable if under the trust instrument it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust, for any part of the corpus or income to be, within the taxable year or thereafter, used for, or diverted to, purposes other than for the exclusive benefit of his employees or their beneficiaries.

Section 12 (f) (1) (C)

Section 18159. Employees' Trusts, if the Plan Benefits Most of the Employees and Does Not Discriminate in Favor of Officers, Etc. A trust described in Section 18156 is not taxable if the trust, or two or more trusts, or the trust or trusts and annuity plan or plans are designated by the employer as constituting parts of a plan intended to qualify under this section which benefits either:

(a) Seventy per cent or more of all the employees, or 80 per cent or more of all the employees who are eligible to benefit under the plan if 70 per cent or more of all the employees are eligible to benefit under the plan. The percentages shall exclude in each case:

(1) Employees who have been employed not more than a minimum period prescribed by the plan, not exceeding five years; and

(2) Employees whose customary employment is for not more than 20 hours in any one week; and

return is made and the tax is paid by the ward. (See Sections 18405-07.)

(Chapter 8—Taxation of Estates and Trusts)

Article 2. Deductions: Computation of Net Income

Section

18131. Net Income of Estate or Trust, Computation.
18132. Deduction, Charitable Contributions.
18133. Deductions, Amounts Distributed Currently: Nonresident Beneficiary.
18134. Amounts Currently Distributable, Defined.
18135. Taxable Year, Estate or Trust Differs From That of Beneficiary.
18135.1. Standard Deduction, Not Allowable.
18136. Deduction, No Duplication.
18137. Deductions, Amounts Properly Paid or Credited.

Section 18131. Net Income of Estate or Trust, Computation. Except as otherwise provided in this article as to deductions, the net income of the estate or trust shall be computed in the same manner and on the same basis as in the case of an individual. Section 12(d)

Reg. 18131. Deductions From Gross Income of Estates and Trusts. (1) In general, estates and trusts taxable under the law are allowed the same deductions as individuals. See generally, Chapter 4, particularly the provisions respecting the computation of depreciation, depletion, etc. For items not deductible, see Article 2 of Chapter 4. Art. 12(d)-1(a), last par. (c)(2), and (d)

The deductions may, of course, be taken only insofar as they are relevant in determining net income of the classes taxable under the law to the estate or trust. (See Reg. 18101-06(a).) Thus, in the case of an estate or trust where the settlor, the fiduciaries and beneficiaries are all nonresidents of this State, depreciation, depletion, taxes, business expenses, bad debts, losses, etc., connected with, or arising out of, property located, or activities or business engaged in, outside this State are not deductible, since the estate or trust is not taxable upon the income, if any, from such property, activities or business. (See Reg. 18101-06(a)(2).)

If only a portion of the net income, if any, from sources without this State is taxable, as in the cases mentioned in (3) and (4) of Reg. 18101-06(a) then losses from such sources are deductible from income from sources within this State in the same proportion which income from sources without this State is taxable. Thus, if in examples (1) of (3) and (4) of Reg. 18101-06(a), the trust had sustained a loss of $60,000 instead of realizing net income of $100,000 from property located, and business carried on, outside this State, and from its stocks and bonds, one-half of the loss would have been deductible. In this event, the taxable income of the trust would have amounted to $20,000, i.e., $50,000 net income from property located, and business carried on, within this State, less ½ or $30,000 of the $60,000 loss from sources without this State.

If, in examples (1) of (3) and (4) of Reg. 18101-06(a), the trust had sustained a loss of $70,000 instead of realizing a net income of $50,000 from property located, and business carried on, outside this State, the entire loss could have been offset against the $50,000 net income from stocks and bonds, and one-half of the balance could have been deducted from the net income from sources within this State. In this event, the taxable net income of the trust would have amounted to $40,000, i.e., $50,000 net income from property located, and business carried on, in this State, less ½ or $10,000 of the $20,000 net loss from sources without this State.

In the case of estates and trusts which, as indicated in Reg. 18101-06(a)(1) are taxable upon their entire net income, the entire income paid or credited, or distributed or distributable to beneficiaries is deductible; in the case of estates and trusts which, as indicated in Reg. 18101-06(a)(2) are taxable only upon net income from sources within this State, only income from sources within this State paid or credited, or distributed or distributable to beneficiaries is deductible; in the case of trusts which, as indicated in Reg. 18101-06(a)(3-4) are taxable upon net income from sources within this State and also upon a portion of the net income from other sources, income from sources within this State paid or credited, or distributed or distributable is deductible and income from other sources paid or credited, or distributed or distributable to beneficiaries may be deducted in computing the portion of the net income from such other sources which is taxable to the trust, but none of the income from such other sources so paid or credited, or distributed or distributable may be deducted from income from sources within this State.

(2) A family allowance in California, even though paid or ordered to be paid from the income of the estate, is not deductible from the gross income of the estate and is not taxable income to the widow. If the widow elects to take under the will in lieu of a family allowance, the income is taxable to her and deductible by the estate or trust under the same conditions as it would be taxable to any other beneficiary and deductible by the trust.

Section 12(d)(1)

Section 18132. Deduction, Charitable Contributions. There shall be allowed as a deduction (in lieu of the deduction for contributions authorized by Section 17315 and Section 17383) in computing the net income of the estate or trust, any part of the gross income, without limitation, which pursuant to the terms of the will or deed creating the trust is during the taxable year paid or permanently set aside for the purposes and in the manner specified in that section or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance, or operation of a public cemetery not operated for profit.

estate or trust, irrespective of whether the income is derived from sources within such State or country. Thus, if an estate or trust is taxable under the law on income from sources both within and without the State, it is a resident of California. If, however, it is taxable only on income from sources within this State, it is a nonresident. (See Reg. 18101-06(a).)

Section 17980. Credit, Resident Beneficiary of an Estate or Trust. A resident beneficiary of an estate or trust who is taxable on the income of the estate or trust under Article 1 of Chapter 8 of this part shall, subject to the following conditions, be allowed a credit against the taxes imposed by this part on such income for net income taxes paid by the estate or trust to another State or country on such income. Section 25(d)

(a) Credit shall be allowed only for such proportion of the tax paid to the other State or country by the estate or trust as the income of the estate or trust which is taxable to the beneficiary under this part and also taxed to the estate or trust in the other State or country bears to the entire income of the estate or trust upon which the taxes paid to the other State or country were imposed.

(b) The credit shall not exceed such proportion of the tax payable under this part as the income of the estate or trust which is taxable to the beneficiary under this part and also taxed to the estate or trust in the other State or country bears to the beneficiary's entire income upon which the tax is imposed by this part.

Reg. 17980. Credit for Resident Beneficiary of an Estate or Trust. Although generally the credit allowed by the law to any taxpayer is confined to taxes paid to another State or country on income taxable under the laws of such other State or country to such taxpayer, an exception is made in the case of resident beneficiaries of estate or trusts. Such beneficiaries, not only are allowed a credit, subject to the limitations set forth in Sections 17976-85 and Reg. 17976(b), for taxes imposed by and paid to another State or country on income taxable to them, but are also allowed a credit against the taxes due under the law on income from the estate or trust for any taxes paid by the estate or trust to another State or country on such income. The allowance of such credit is subject to the two conditions specified in Section 17980. Art. 25-1, par. (e)

Section 17980.1. Credit, Where Net Income Tax Levied on Partnership as Such. (a) A member of a partnership who is taxable on the income thereof shall, subject to the conditions prescribed in (b) and (c), be allowed a credit against the taxes imposed by this part on such income for net income taxes paid by the partnership to another State or country on such income. None

(b) Credit shall be allowed only for such proportion of the tax paid to such other State or country by the partnership as the income of the partnership which is taxable to the partner under this act and also taxed to the partnership in such other State or country bears to the entire income of the partnership upon which the taxes paid to such other State or country were imposed.

(c) The credit shall not exceed such proportion of the tax payable under this act as the income of the partnership which is taxable to the partner under this act and also taxed to the partnership in such other State or country bears to the partner's entire income upon which the tax is imposed by this act.

Section 25(e), 1st sent.

Section 17981. Credit, Subsequent Refund. If any taxes paid to another State or country for which a taxpayer has been allowed a credit under this article are at any time credited or refunded to the taxpayer, the taxpayer shall immediately report that fact to the commissioner.

Section 25(e), 2d sent.

Section 17982. Refund, Recovery of Erroneous Credit. A tax equal to the credit allowed for the taxes credited or refunded by the other State or country is due and payable from the taxpayer upon notice and demand from the commissioner.

Section 25(e), 3d sent.

Section 17983. Interest, Where Credit Refunded. Interest shall be added to and collected as a part of the tax at the rate of 6 per cent per annum from the date the credit was allowed under this part to the date of the notice and demand.

Section 25(e), 4th sent.

Section 17984. Collection of Interest, Where Credit Refunded. If the tax and interest are not paid within 10 days from the date of notice and demand, there shall be collected as a part of the tax interest upon the unpaid amount of tax and interest at the rate of 6 per cent per annum from the date of the notice and demand until the amount is paid.

Art. 25-1, par. (d)

Reg. 17981-17984. Refund After Credit. If a taxpayer at any time obtains credit for, or a refund of, taxes paid another State or country on account of which a credit was allowed against taxes due under the law, the entire amount of such credit or refund must immediately be reported to the commissioner and a tax equal to the credit allowed for the taxes so credited or refunded must be paid together with interest at 6 per cent per year from the date the credit was allowed under the law until the tax is paid. An adjustment will be made in the amount of credit allowed under the law in case an overpayment is made under the law and the overpayment is credited on taxes due from the taxpayer or refunded to him. An adjustment will also be made in the amount of credit allowable in case a deficiency assessment is made under the law.

Section 25(e), last sent.

Section 17985. Credit Not Allowable if it Results in Illegal Discrimination. The credit against the taxes imposed by this part for net income taxes paid to another State or country shall not be allowed to any taxpayer or any class of taxpayers if the allowance of the credit will result in an invalid or illegal discrimination against another taxpayer or another class of taxpayers.

CHAPTER 8. TAXATION OF ESTATES AND TRUSTS

Article 1. Income Taxable

Section

18101. Taxation of Estates and Trusts, Income Includible.
18102. Estate or Trust, Taxability.
18103. Taxability of Estate or Trust, Dependent Upon Residence of Fiduciary.
18104. Estates or Trusts, Taxability Dependent Upon Residence of Beneficiary.
18105. Estate or Trust Taxes, Charge Upon Same.
18106. Estate or Trust Taxes, Liability of Beneficiaries.

Section 12(a)

Section 18101. Taxation of Estates and Trusts, Income Includible. The taxes imposed by this part upon individuals apply to the income of estates or of any kind of property held in trust (other than so-called Massachusetts trusts), including:

(a) Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests, and income accumulated or held for future distribution under the terms of the will or trust.

(b) Income which is to be distributed currently by the fiduciary to the beneficiaries, and income collected by a guardian of an infant which is to be held or distributed as the court may direct.

(c) Income received by estates of deceased persons during the period of administration or settlement of the estate.

(d) Income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

Section 18102. Estate or Trust, Taxability. Except as otherwise provided in Articles 2 and 4 of this chapter, the income of an estate or trust is taxable to the estate or trust. The tax applies to the entire net income of an estate, if the decedent was a resident, regardless of the residence of the fiduciary or beneficiary, and to the entire net income of a trust, if the fiduciary or beneficiary is a resident, regardless of the residence of the settlor. Section 12(c), 1st par.

Section 18103. Taxability of Estate or Trust, Dependent Upon Residence of Fiduciary. Where the taxability of income under this chapter depends on the residence of the fiduciary and there are two or more fiduciaries for the trust, the income taxable under Section 18102 shall be apportioned according to the number of fiduciaries resident in this State pursuant to rules and regulations prescribed by the commissioner. Section 12(c), 2d par.

Section 18104. Estates or Trusts, Taxability Dependent Upon Residence of Beneficiary. Where the taxability of income under this chapter depends on the residence of the beneficiary and there are two or more beneficiaries of the trust, the income taxable under Section 18102 shall be apportioned according to the number and interest of beneficiaries resident in this State pursuant to rules and regulations prescribed by the commissioner. Section 12(c), 3d par.

Section 18105. Estate or Trust Taxes, Charge Upon Same. Taxes on income of an estate or trust which is taxable to the estate or trust are a charge upon the estate or trust and shall be paid by the fiduciary. Section 12(c), 4th par.

Section 18106. Estate or Trust Taxes, Liability of Beneficiaries. If, for any reason, the taxes imposed on income of a trust which is taxable to the trust because the fiduciary or beneficiary is a resident of this State are not paid when due and remain unpaid when such income is distributable to the beneficiaries, or in case the income is distributable to the beneficiares before the taxes are due, if the taxes are not paid when due, such income shall be taxable to the beneficiaries when distributable to them except that in the case of nonresident beneficiaries such income shall be taxable only to the extent it is derived from sources within this State. Section 12(c), last par.

Reg. 18101-18106(a). Computation of Tax—Taxable Income of Estates and Trusts. (1) If, in the case of an estate, the decedent was a resident of this State at the time of death, the estate is taxable upon its entire net income in excess of the exemption allowed by Section 17953 (see Chapter 13.5) remaining after subtracting the deductions allowed by Article 2 of Chapter 8, regardless of the source of the income, and regardless of whether the fiduciaries and the beneficiaries are residents or nonresidents of this State. If, in the case of trusts, the fiduciary is a resident of this State (or if there are two or more fiduciaries, if all the fiduciaries are residents of this State) the trust is taxable upon all of its net income as above specified, regardless of the source of the income and regardless of the residence of the settlor and the beneficiaries. Similarly, if all the beneficiaries are residents of this State, a trust is taxable upon Art. 12(c)-1

all of its net income in excess of the exemptions remaining after subtracting the deductions allowed, regardless of the source of the income and regardless of the residence of the settlor and the fiduciary or fiduciaries.

(2) If the settlor, the fiduciary and the beneficiaries are all nonresidents of this State, only income from real or personal property located in this State (see Reg. 17211-14(c)), business carried on within this State (see Reg. 17211-14(d)), and intangible personal property having a business or taxable situs in this State (see Reg. 17211-14(f)) is taxable.

In computing the net income from these sources, only the gross income from these sources should be considered. From such gross income, the deductions allowed by the law should be subtracted. The amount remaining is taxable net income of the estate or trust to which the rates of tax specified in Section 17052 apply. (Also see Chapter 13.5.)

Example: B, a nonresident of this State, is the executor of the estate of A, who was a nonresident of this State at the time of death. All the beneficiaries are likewise nonresidents. During the year 1945 the gross income of the estate from all sources amounted to $100,000, $50,000 of which was derived from real and personal property located, and from business transacted, in this State. The losses, depreciation, and depletion sustained with respect to the property in California, and the taxes, licenses, expenses, bad debts, etc., properly deductible from the California income amounted to $40,000. Thus, the net income from California sources, prior to deducting amounts distributed to beneficiaries, amounted to $10,000. Of this amount, $6,000 was distributed to beneficiaries during the year pursuant to a partial distribution of the estate. The remaining $4,000 must be reported by the executor as net income of the estate, of which $2,500 (the amount in excess of the exemption for 1945) is taxable to the estate (see Chapter 13.5).

(3) If there are two or more fiduciaries of a trust, and one or more are residents and one or more are nonresidents, and if the settlor was a nonresident and all the beneficiaries are nonresidents, the trust is taxable upon (a) all net income (which is not deductible under Sections 18131-37) from business carried on within this State, from real or tangible personal property located in this State, and from intangible personal property having a business or taxable situs in this State (see Reg. 17211-14(f)); and (b) that portion of the net income (which is not deductible under Sections 18131-34 and 18136-37) from all other sources which the number of fiduciaries who are residents of this State bears to the total number of fiduciaries.

suant to the exercise by him of rights to acquire such stock or securities from the corporation will, in every case, and whether or not the receipt of taxable gain was recognized in connection with the distribution of the rights, begin with and include the day upon which the rights to acquire such stock or securities were exercised. A taxpayer will be deemed to have exercised rights received from a corporation to acquire stock or securities therein where there is an expression of assent to the terms of such rights made by the taxpayer in the manner requested or authorized by the corporation.

Section 17717. Capital Losses, Limitation. Losses from sales or exchanges of capital assets shall be allowed only to the extent of two thousand dollars ($2,000) plus the gains from such sales or exchanges. Section 9.4(d)

Section 17718. Gains or Losses, Short Sales. Gains or losses from short sales of property shall be considered as gains or losses from sales or exchanges of capital assets. Section 9.4(e)(1)

Section 17719. Gains or Losses, Failure to Exercise Option. Gains or losses attributable to the failure to exercise privileges or options to buy or sell property shall be considered as gains or losses from sales or exchanges of capital assets held for one year or less. Section 9.4(e)(2)

Section 17720. Gain or Loss, Amounts Received Upon Retirement of Bonds, Etc. Amounts received by the holder upon the retirement of bonds, debentures, notes, or certificates or other evidences of indebtedness issued by any corporation (including those issued by a government or political subdivision thereof), with interest coupons or in registered form, shall be considered as amounts received in exchange therefor. Section 9.4 (f)

Reg. 17720. Gains and Losses From Retirement of Bonds, Etc. Section 17720 provides that amounts received in retirement of bonds, debentures, notes, or certificates or other evidences of indebtedness issued by any corporation (including those issued by a government or political subdivision thereof) with interest coupons or in registered form, shall be considered as amounts received in exchange therefor; hence gain or loss realized or sustained on the retirement of such bonds, etc., is subject to the provisions of Sections 17712 and 17717. Art. 9.4-7

The word "retirement," within the meaning of Section 17720, includes, but is broader than, "call" or "redemption," and a retirement takes place where a corporation (at or prior to the redemption date set forth in the bond, etc.) because of financial difficulties or otherwise pays less than the face value of the bonds, etc., in cancellation thereof. In such a case the loss sustained is subject to Sections 17712 and 17717. For example, if a water district is in financial difficulties and the holders of its registered bonds accept payment of 50 cents on the dollar for their bonds, the loss sustained is a capital loss. Similarly, if the holders of registered bonds of a corporation in receivership accept from the receiver payment of a nominal sum in full settlement of their bonds, the loss sustained is a capital loss.

Section 9.4(g)(1)

Section 17721. Property Used in the Trade or Business, Definition. For the purposes of this section and Section 17722, the term "property used in the trade or business" means property used in the trade or business, of a character which is subject to the allowance for depreciation provided in Section 17313, and real property used in the trade or business, which is not

(a) Property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year, or

(b) Property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

Such term also includes timber with respect to which Sections 17725 and 17726 are applicable.

Section 9.4(g)(2)

Section 17722. Gains and Losses From Sales of Property Used in Trade or Business, Treatment of. If, during the taxable year, the recognized gains upon sales or exchanges of property used in the trade or business, plus the recognized gains from the compulsory or involuntary conversion, as a result of destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat or imminence thereof, of property used in the trade or business and capital assets into other property or money, exceed the recognized losses from the sales, exchanges, and conversions, the gains and losses shall be considered as gains and losses from sales or exchanges of capital assets. If the gains do not exceed the losses, the gains and losses shall not be considered as gains and losses from sales or exchanges of capital assets.

Section 9.4(g)(2)(A)

Section 17723. Gains and Losses From Sales, Etc., of Property Used in Trade or Business, Extent Taken Into Account. In determining, for purposes of Section 17722, whether gains exceed losses, the gains and losses described therein shall be included only if and to the extent taken into account in computing net income except that Sections 17712 and 17717 shall not apply.

Section 9.4(g)(2)(B)

Section 17724. Losses by Destruction, Etc., of Property Used in a Trade or Business, or Capital Assets, Treated as From Involuntary Conversion. For purposes of Section 17722, losses upon the destruction, in whole or in part, theft or seizure, or requisition or condemnation of property used in the trade or business or capital assets shall be considered losses from a compulsory or involuntary conversion.

Art. 9.4-8

Reg. 17721-17724.* Gains and Losses From Involuntary Conversions and From the Sale or Exchange of Certain Property Used in the Trade or Business. Sections 17721-17724 provide that the recognized gains and losses

(1) From the sale, exchange, or involuntary conversion of property used in the trade or business of the taxpayer at the time of the sale, exchange, or involuntary conversion which is

(a) Of a character subject to the allowance for depreciation provided in Section 17313, or

(b) Real property, provided that such property is not of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year, or is not held by the taxpayer primarily for sale to customers in the ordinary course of trade or business, and

(c) From the involuntary conversion of capital assets, and

* This Reg. is substantially the same as Section 29.117-7, Fed. Reg. 111.

If the obligations received by the vendor have no fair market value, the payments in cash or other property having a fair market value shall be applied against and reduce the basis of the property sold, and, if in excess of such basis, shall be taxable to the extent of the excess. Gain or loss is realized when the obligations are disposed of or satisfied, the amount being the difference between the reduced basis as provided above and the amount realized therefor. Only in rare and extraordinary cases does property have no fair market value.

Reg. 17531-17533(e). Law Controlling Income From Installment Sales. Income from sales reported on the installment basis shall be taxed in accordance with the law in effect in the year or years such payments are received. None

Section 17534. Installment Obligation, Gain or Loss on Disposition. If an installment obligation is satisfied at other than its face value or distributed, transmitted, sold, or otherwise disposed of, gain or loss shall result to the extent of the difference between the basis of the obligation and (a) in the case of satisfaction at other than face value or a sale or exchange—the amount realized, or (b) in case of a distribution, transmission, or disposition otherwise than by sale or exchange—the fair market value of the obligation at the time of the distribution, transmission, or disposition. Section 11(d), 1st sent.

Section 17535. Installment Obligations, Method of Computation. Any gain or loss so resulting shall be considered as resulting from the sale or exchange of the property in respect of which the installment obligation was received. The basis of the obligation shall be the excess of the face value of the obligation over an amount equal to the income which would be returnable were the obligation satisfied in full. Section 11(d), 2d and 3d sents.

Section 17536. Installment Obligations, Transfers by Death. Sections 17534 and 17535 do not apply to the transmission at death of installment obligations if there is filed with the commissioner at such time as he may by regulation prescribe, a bond in such amount and with such sureties as he may deem necessary, conditioned upon the return as income, by the person receiving any payment on such obligations, of the same proportion of such payment as would be returnable as income by the decedent if he had lived and had received such payment. Section 11(d), last sent.

Reg. 17534-17536.* Gain or Loss Upon Disposition of Installment Obligations. The entire amount of gain or loss resulting from the disposition or satisfaction of installment obligations, computed in accordance with Sections 17534-36, is recognized under the law, unless the disposition is within one of the exceptions made by the law. Such an exception is provided in Section 17676 with respect to exchanges. Art. 11-5

The application of Sections 17534-36 may be illustrated by the following examples:

Example: In 1943 M sold a piece of unimproved real estate to B for $20,000. M had acquired the property in 1918 at a cost of $10,000. During 1943 M received $5,000 cash

* This Reg. is substantially the same as Section 29.44-5, Fed. Reg. 111.

and vendee's notes for the remainder of the selling price, or $15,000, payable in subsequent years. In 1945, before the vendee made any further payments, M sold the notes for $13,000 in cash. M makes his returns on the calendar year basis. The income to be reported for 1945 is computed as follows:

Proceeds of sale of notes		$13,000
Selling price of property	$20,000	
Cost of property	10,000	
Total profit	10,000	
Total contract price	20,000	
Per cent of profit, or proportion of each payment returnable as income, $10,000 divided by $20,000, 50 per cent.		
Face value of notes	15,000	
Amount of income returnable were the notes satisfied in full, 50 per cent of $15,000	7,500	
Excess of face value of notes over amount of income returnable were the notes satisfied in full		7,500
Gain in 1945		5,500
Amount taken into account as capital gain, 30 per cent of $5,500 (See Article 3 of Chapter 6)		$1,650

In the case of a decedent who dies possessed of installment obligations, no gain on account of the transmission at death of such obligations is required to be reported as income in the return of the decedent for the year of his death, if the executor or administrator of the estate of the decedent or any of the next of kin or legatees files with the commissioner a bond conditioned upon the return as income, by any person receiving any payment in satisfaction of such obligations, of the same proportion of such payment as would be returnable as income by the decedent if he had lived and received such payment. The bond shall be subject to the approval of the commissioner, shall be in an amount sufficient in his judgment to insure collection of the tax resulting from the fulfillment of the conditions stated in the bond, and shall be filed at the time of filing the return for the decedent for the year of his death or at such later time as may be specified by the commissioner.

Since Sections 17534-36 of the law provide that any gain or loss resulting from the disposition of installment obligations shall be considered as resulting from the sale or exchange of the property in respect of which the installment obligations were received, the extent to which such gains are taxable or the losses are deductible will depend on whether the property sold was a capital asset, and, if so, on the length of time held. See Article 3 of Chapter 6.

of this part as a loss by the taxpayer upon the destruction or seizure of the part of the stock or other interest of the taxpayer to which such loss is allocable. That part of the stock or other interest of the taxpayer shall be treated for the purposes of Sections 17334 to 17347, inclusive, as property described in Sections 17330, 17331 and 17332.

Section 8.3(e)(2)(A)

Section 17349. War Losses, Determination of Adjusted Basis for Section 17348. In determining the adjusted basis of all the property of the corporation, for the purposes of Section 17348, there shall be excluded money in the United States, bank deposits, the right to receive money from any person not situated in a country at war with the United States or in a territory under the control of that country, and obligations issued or guaranteed as to principal or interest by the United States, except that there shall not be excluded any property which is destroyed or seized as described in Sections 17325 to 17333, inclusive, within or before the taxable period.

Section 8.3(e)(2)(B)

Section 17349.5. War Losses, Time When Adjusted Basis Determined Under Section 17348. The adjusted basis of property of the corporation shall be determined, for the purposes of Section 17348, as of the date immediately preceding the first date on which any property was destroyed or seized, as described in Sections 17325 to 17333, inclusive, or as of any later date falling within or before the taxable period on the basis of which the determination will produce a greater amount.

Section 8.3(f)

Section 17350. War Losses, Determined Pursuant to Rules and Regulations. The determination, for the purposes of Section 17348, as to whether and to what extent an allowable deduction on account of the destruction or seizure of property described in Sections 17325 to 17333, inclusive, did or did not result in a reduction of any tax of the taxpayer under this chapter shall be made in accordance with regulations prescribed by the commissioner.

Art. 8.3-1

Reg. 17325-17350(a).* Description of War Losses. Under Article 1.7 of Chapter 4, property destroyed or seized in the course of the present war and property which is within an enemy country or an enemy controlled area on the date the United States declares that a state of war exists with the enemy country result in war losses. Property which is within an area that comes under the control of an enemy country after the date the United States declares that a state of war exists with such enemy country also results in a war loss. An investment in any of the foregoing property which loses all its value because of the war loss resulting from such property is itself treated as resulting in a war loss. Investments in such property which lose only part of their value by reason of such property resulting in a war loss are also treated, under certain circumstances, as resulting in a war loss to the extent of such loss in value. See Sections 17348-49.5.

Sections 17325-33 and 17348-49.5 provide that the property and investments described above shall be treated as being "destroyed or seized" upon the date specified in the applicable sections. That is, upon such date the taxpayer is treated as losing his entire interest in such property or investment, and this loss of such property rights is deemed to be sustained by reason of a casualty. The casualty is the destruction or seizure, whichever event the taxpayer claims occurred. If the

* This Reg. is substantially the same as Section 29.127(a)-1, Fed. Reg. 111.

property or investment was a capital asset or property used in the trade or business of the taxpayer, this loss (and any compensation therefor) is subject to the provisions of Sections 17721-24, relating to gains and losses upon involuntary conversions. Unless such loss is treated under Sections 17721-24 as a loss from the sale or exchange of a capital asset, such loss is deductible as an ordinary loss under the provisions of Section 17306(c). The loss upon an investment which is treated under Article 1.7 of Chapter 4 as resulting in a war loss is not, for taxable years beginning after December 31, 1942, subject to the provisions of Sections 17307 and 17311 which treat losses upon worthless securities as capital losses, although such loss may nevertheless be treated under Sections 17721-24 as a loss upon the sale or exchange of a capital asset.

For property to be treated as resulting in a war loss, such property must be in existence on the date prescribed in Section 17329 as the date it is deemed destroyed or seized or at the beginning of the period prescribed in Sections 17325-28 or 17329-31, within which period the property is deemed destroyed or seized, and for the taxpayer to claim a loss with respect to such property he must own such property or an interest therein at such time. If, before such time, the property was destroyed or confiscated, Article 1.7 of Chapter 4 is not applicable with respect to such property. For example, a taxpayer owned property in an enemy country before war was declared on such enemy by the United States, and such property was confiscated by the enemy before the date war was declared. The seizure was not in the course of military or naval activities. The taxpayer may not claim a war loss with respect to such property under Article 1.7 of Chapter 4.

For the purposes of Article 1.7 of Chapter 4, the term "area" does not mean a territory or political unit but means the locality in which the property was situated.

The date on which a war loss was sustained must be determined under the provisions of Sections 17325-33 and the regulations thereunder. The amount of loss sustained must be determined subject to the provisions of Article 1.7 of Chapter 4 and the regulations thereunder. Income to the taxpayer upon any recovery of or in respect of property or investments treated as resulting in a war loss must be determined under Sections 17337-44 and the regulations thereunder. The basis of any such recovery must be determined under Sections 17345-47 and the regulations thereunder.

Art. 8.3-2 **Reg. 17325-17350(b).* Property Destroyed or Seized After the Outbreak of War.** Sections 17325-28 have two main purposes. One is to provide that property shall be treated as destroyed or seized if it is located in an area which comes under the control of an enemy country after the date the

* This Reg. is substantially the same as Section 29.127(a)-2, Fed. Reg. 111.

United States declares that a state of war exists with such enemy country. This provision corresponds to the provisions of Section 17329 which give similar treatment to property located in an area under enemy control on the date the United States declares that a state of war exists with the enemy. See Reg. 17325-50(c). The other purpose of Sections 17325-28 is to provide the method for determining the date on which such destruction or seizure is deemed to occur in cases in which the exact date when control is established cannot be determined, and to provide the method for determining the date of destruction or seizure in the case of property actually destroyed or seized in the course of military or naval operations by any country engaged in the present war if the exact date of such destruction or seizure cannot be established.

(1) **Actual Destruction or Seizure.** Any property actually destroyed or seized in the course of military or naval operations by the United States or any other country engaged in the present war shall be deemed to have been destroyed or seized on any date chosen by the taxpayer which falls between:

(a) The latest date, as established to the satisfaction of the commissioner, on which such property may be considered as not destroyed or seized, and

(b) The earliest date, as established to the satisfaction of the commissioner, on which such property may be considered as having already been destroyed or seized.

If the exact date of the destruction or seizure can be ascertained, then (a) refers to the day before such date and (b) refers to the day after such date. Thus, if the taxpayer knows that his property was destroyed during a bombing raid on London on January 7, 1943, the latest date on which such property may be considered as not destroyed is January 6, 1943, and the earliest date on which it may be considered as being already destroyed is January 8, 1943. Under Sections 17325-28, the only date the taxpayer may choose is January 7, 1943. However, in many cases the taxpayer will not be able to ascertain the exact date on which the destruction or seizure of his property occurred. In such cases the taxpayer may claim that the destruction or seizure occurred at any time he chooses between the dates prescribed in (a) and (b) of this paragraph, which dates may be established on the basis of such information as the taxpayer is reasonably able to obtain. For example, the taxpayer's property was destroyed during a bombardment of a certain area which lasted several days. The taxpayer is only able to ascertain that the property was undestroyed before the bombardment, and was already destroyed when the bombardment ended. The taxpayer may treat the destruction as occurring on any date during the bombardment.

Sections 17325-28 refer to a destruction or seizure by the United States or any other country engaged in the present war. Such other countries are the members of the United Nations, any other countries at war with enemies of the United States, and the enemies of the United States or of any of the United Nations. Thus, a country which is not a member of the United Nations nor an enemy of the United States is nevertheless considered engaged in the present war if it is an enemy of any other member of the United Nations. Furthermore, the military or naval operations need not be carried on by the regular forces of the countries engaged in the present war, but it is sufficient if such operations are carried on by any forces supported by or operating in conjunction with any such country. For example, nationals of the D country form an independent fighting force for the liberation of their country, which was conquered by an enemy of the United States, and such fighting force operates in conjunction with the forces of one or more of the United Nations. The military or naval operations of such force are considered for the purposes of Sections 17325-28 as military or naval operations by the countries, engaged in the present war, with which such forces operate.

The term "military or naval operations" in Sections 17325-28 is used in a broad sense to cover all actions incident to belligerent activities, whether in furtherance of or in opposition to such activities. It includes operations carrying out a scorched earth policy or rendering a position under threat of attack or other danger more secure or less desirable to the attacker. For example, when invasion of a certain area by the forces of an enemy is imminent, civilians in such area burn and otherwise destroy warehouses and other property in such area. Such property is destroyed in the course of military or naval operations of the enemy. However, the orderly requisition or condemnation of property by any government, in the ordinary course of which the taxpayer is entitled to fair compensation, is not a destruction or seizure in the course of military or naval operations.

(2) **Property Deemed Destroyed or Seized by Reason of Enemy Control.** Property in an area which, after the date the United States declares war with a country, comes under the control of such enemy country is deemed to have been seized or destroyed in the course of military or naval operations by such country. Such destruction or seizure is deemed to occur on any date chosen by the taxpayer which falls between the latest date, as determined by the commissioner, on which the area was under the control of the United States or a country not at war with the United States, and the earliest date, as determined by the commissioner, on which the area was under the control of the enemy country.

If during the period described in the above paragraph the property in such area was actually destroyed or seized in the course of military or naval operations by any country engaged in the present war, the taxpayer may choose as the date on which the destruction or seizure occurred any date falling after whichever of the following dates is the earlier:

(a) The latest date, as established to the satisfaction of the commissioner, on which such property may be considered as not destroyed or seized, or

(b) The latest date determined by the commissioner as the date on which such area was under the control of the United States or a country not at war with the United States,

and falling before whichever of the following dates is the earlier:

(i) The earliest date, as established to the satisfaction of the commissioner, on which such property may be considered as having already been destroyed or seized, or

(ii) The earliest date determined by the commissioner as the date on which such area may be considered under the control of the country which is at war with the United States.

For example, the taxpayer has property in an area under the control of a country not at war with the United States. Such country lost control of the area on December 20, 1943, under attack by the enemy, but the taxpayer who remained in the area ascertains that the property was not destroyed on that date, but was destroyed during further fighting on January 1, 1944. An enemy country gained control of the area on February 1, 1944. The earliest date on which the taxpayer may claim the loss is December 20, 1943, the day after the latest date on which the area was under control of a country not at war with the United States. The latest date on which he may claim the loss is January 1, 1944, the day before the earliest date on which the property may be considered as having already been destroyed. An additional example is the case of a taxpayer with property in an area evacuated on December 15, 1943, when a country not at war with the United States lost control of such area. The property of the taxpayer in such area was undestroyed on such date. An enemy country established control over the area on January 21, 1944. The taxpayer learns that on July 15, 1944, the property was destroyed in a bombing raid on such area. The loss may not be claimed as occurring on any date later than January 20, 1944, the day before the earliest date on which the enemy country was in control of the area.

Whether or not a country at war with the United States gains control over intangible property by reason of its gaining control over any area is determined under the same provisions as are applicable for the purposes of Section 17329 in determining whether intangible property is subject to the control of the enemy country on the date war is declared. See Reg. 17325-50(c).

In the case of any property which is within the provisions of Sections 17325-28 by reason of any area falling under the control of an enemy of the United States, it is necessary to determine the latest date on which the United States or any country not at war with the United States was in control of such area and the earliest date on which the country at war with the United States was in control of such area. For the purposes of Sections 17325-28, control of an area on any day means effective control which is not seriously disputed at any time during such day. For such control to exist, order must be maintained in the area, such order must be maintained by authority of the country in control, and such order must not be seriously disputed by hostile action either by elements of the civilian population or by the armed forces of any other country. Sections 17325-28 contemplate that in many cases there will be a lapse of time between the date when one country loses control of an area and the date when another country gains control. During this period neither country will be in control of the area, and the loss may be claimed to occur at any time during such period. The fact that any country loses control of an area is not sufficient for the purposes of Sections 17325-28 unless a country at war with the United States gains control of such area. That is, if a country not at war with the United States, which has lost control of an area, regains control of the area before a country at war with the United States gains control, the fact that control was lost for a period of time does not cause any property in the area to be deemed to have been destroyed or seized.

It should be noted that the term "area" means the locality in which the property is situated. The determination as to whether control by any country was lost or established in any area on any date will be made in a practical manner on the basis of all factors, and particular attention will be paid to the nature of the military and political operations effecting the control over such area as well as to the amount of information which can be obtained under the circumstances. For example, in view of the fact that the island of Luzon was one theatre of military operations, complete control over such island by the American and Philippine forces will be considered to have ceased in December, 1941, upon the beginning of the Japanese invasion of the island, and complete Japanese control will be considered to have begun in May, 1942, upon the cessation of American resistance at Corregidor. In the absence of information to the contrary, control by American and Philippine forces over other Philippine islands will be considered to have ceased on the date in December, 1941, when complete control of Luzon ceased, and Japanese control over such other islands will be considered to have begun on the date in May, 1942, when complete Japanese control of Luzon began. Similarly, control over areas in other theatres of military or political action will

be determined on the basis of the principal events in such theatres of action.

A country at war with the United States may gain control over an area by its armed forces, by its civil authorities, or by obtaining control over the local authorities already established in that area. Such control over local authorities will not be deemed to exist by reason of the enemy country's domination over the government of any country if and so long as the United States maintains diplomatic relations with such government. Areas formerly subject to such government but actually taken over by armed forces or civil authorities of the enemy country are under the control of the enemy country. If the United States has not declared that a state of war exists with any country, the control by such country over any area is not deemed a destruction or seizure of property in such area, even though such country may be considered engaged in the present war by reason of its being an enemy of one of the United Nations.

The latest date on which the United States or a country not at war with the United States was in control of an area, and the earliest date when an enemy of the United States was in control of an area, are questions of fact to be determined by the commissioner on the basis of the facts established by the taxpayer and such other information as may be in his possession. The commissioner may from time to time issue rulings on the basis of all information then in his possession as to such dates as he has already determined with respect to any areas. Such rulings will be subject to change in the event further information is obtained. In the absence of any applicable ruling, the facts established by the taxpayer must satisfy the commissioner that the dates chosen are proper.

(3) **Choice of Date When Loss Deemed Sustained.** Sections 17325-28 grant the taxpayer the right to choose within the period described in paragraphs (1) and (2) of this regulation the date on which the destruction or seizure of property is deemed to occur. This choice of a date is exercised by claiming a gain or loss with respect to such destruction or seizure in a return for a taxable year in which such date falls, or in a claim for credit or refund of an overpayment for such taxable year. Until the taxpayer makes such a choice upon a return or a claim, he will be deemed to have chosen the latest date on which the destruction or seizure may be treated as having occurred. Such latest date will be considered for all purposes the date chosen by the taxpayer if the taxpayer has not chosen on a return or claim, in the manner described above, any other date by the time the return for the period in which such latest date falls is due (including any extension of time for filing such return). Thereafter, the taxpayer may choose another date only with the permission of the commissioner. If the taxpayer has once made the choice described above by the filing of a return or a claim, in which gain or loss is claimed with respect

to the destruction or seizure, such choice may not thereafter be changed except with the permission of the commissioner.

A taxpayer desiring to make a new choice of date with the permission of the commissioner shall send a copy of his return or claim for refund in which he makes such new choice to the commissioner, together with a statement of the date previously used as the date of the destruction or seizure, the new date chosen, and a recomputation of each tax imposed by the law for each taxable year affected by such change of date.

The taxpayer must also attach to his request a statement as to whether the tax for any taxable year affected by the change of date has been determined by any court, whether a case with respect to any such tax liability is pending in any such tribunal, and whether any period of limitations or rule of law would prevent the proper adjustment of the tax liability for each such year if the change in date were permitted. The commissioner will permit the taxpayer to change his choice of the date of the destruction or seizure if such proper adjustments may be made for each taxable year affected.

Art. 8.3-3 **Reg. 17325-17350(c).* Property in Enemy Countries and Enemy Controlled Areas.** Property in a country at war with the United States, or in an area controlled by such country, on the date the United States declared that a state of war existed with such country is deemed under Section 17329 to have been destroyed or seized on such date.

The term "property" includes tangible property of every kind actually within such country or area. Whether or not intangible property is within the provisions of Section 17329 depends in general upon whether the enemy country exercises the same control over such intangible property as it exercises over tangible property located within such country or area. If the enemy country may legally divest the taxpayer of his right to such intangible property in such manner that all other jurisdictions having control of any of the obligations and assets from which such intangible property derives its value would not recognize the taxpayer as having any interest in such obligations and assets, then such intangible property is within the provisions of Section 17329. For example, a taxpayer owns stocks and bonds in a corporation chartered by an enemy country. All of the assets of such corporation are in the enemy country, in a neutral country, and in a country also at war with the enemy country. The enemy country may sequester the taxpayer's interest in such stocks and bonds. The neutral country recognizes the control of the enemy country over its corporations, and would not grant the taxpayer any right of recourse against the assets of the corporation located in such country. The country at war with the enemy country treats the assets of the corporation located within its jurisdiction as

* This Reg. is substantially the same as Section 29.127(a)-3, Fed. Reg. 111.

enemy property and would grant the taxpayer no rights in such assets during the war. The stocks and bonds of the taxpayer are property within the enemy country and subject to the provisions of Section 17329. A further example is the case of a taxpayer having negotiable bonds in a corporation chartered in a neutral country. Such bonds are in the enemy country at the outbreak of the war, in the hands of an agent of the taxpayer. The neutral country does not recognize the authority of the enemy country to divest the taxpayer of his right to these bonds. Such bonds are not property subject to the provisions of Section 17329.

Ordinarily, if the right of the taxpayer to the intangible property exists by reason of the law and authority of the enemy country, Section 17329 applies to such intangible property. For example, all public bonds of a country at war with the United States are considered to be within the provisions of Section 17329. On the other hand, the public bonds of a country not at war with the United States, the territory of which is occupied by a country at war with the United States on the date war is declared, are not within the provision of Section 17329. Any interest in a corporation chartered by a country at war with the United States will be considered intangible property located in the enemy country unless the taxpayer has any rights to assets of such corporation not treated as destroyed or seized under Article 1.7 of Chapter 4. However, any interest in a corporation chartered by a country not at war with the United States, the territory of which is occupied by a country at war with the United States, will not be considered intangible property located in an area under the control of an enemy country. Any intangible property not within the provisions of Section 17329 may be within the provisions of Sections 17330-32, which relate to intangible property which becomes worthless by reason of war losses. See Reg. 17325-50(d).

For the purposes of Section 17329, the control by the enemy country over any area may be exercised either through its military or civil agencies, or through its control over the local authorities. Thus, an area will be treated as being under control of the enemy country if the enemy country exercises its control through the agents of a puppet government or through the local governmental organization in operation at the time it gained control of the area. Such control over local authorities will not be deemed to exist by reason of the enemy country's domination over the government of any country if the United States maintains diplomatic relations with such government. Areas formerly subject to such government but actually taken over by armed forces or civil authorities of the enemy country are under the control of the enemy country. Areas under the control of the governments of Hungary, Rumania, and Bulgaria will not be considered under enemy control prior to the date the United States declared that a state of war existed with such

governments. Whether or not control by the enemy country exists is a question of fact which the commissioner will determine on the basis of the facts established by the taxpayer and such other facts as may be in his possession.

Art. 8.3-4 **Reg. 17325-17350(d).* Investments Referable to Destroyed or Seized Property.** Sections 17330-32 provide that intangible property which is an interest in or with respect to underlying assets treated as destroyed or seized under Sections 17325-29 shall itself be treated as being destroyed or seized if it would be worthless if such underlying assets had in fact been destroyed. The intangible property may be of any kind, provided it meets the test that it would become worthless upon the actual destruction of the underlying assets treated as destroyed or seized under Sections 17325-29. Thus, it may be represented by accounts receivable from or by stocks, bonds, or other securities in a corporation all of the assets of which are treated as destroyed or seized under Sections 17325-29, or by obligations of an individual, under the control of an enemy country, all of whose assets are also under the control of the enemy country. Any intangible property which derives its value from underlying assets treated as destroyed or seized under Sections 17325-29 is considered an interest in or with respect to such assets for the purposes of Sections 17330-32. For example, if all of the assets owned by a holding company are securities within the provisions of Sections 17330-32 as being issued by corporations owning only property described in Sections 17325-29, then stock in such holding company is considered an interest in or with respect to such property described in Sections 17325-29, and is subject to the provisions of Sections 17330-32.

For intangible property to be treated as destroyed or seized under Sections 17330-32 the following tests must be met:

(a) Such property must be worthless if the value described in the next paragraph is disregarded; and

(b) Such property must be of a kind which would have become worthless upon the destruction of all the underlying assets which are described in Sections 17325-29. That is, upon the date the last underlying asset described in Sections 17325-29 is deemed destroyed or seized, there must be no other underlying asset from which such property derives a value. In applying this test as to whether the intangible property would have become worthless if the underlying assets treated as destroyed or seized under Sections 17325-29 were actually destroyed, all interest in such assets shall be considered to have ceased as if such assets had been totally destroyed, whether or not any such asset, such as land, may ordinarily be considered indestructible. Furthermore, the value described in the next paragraph is disregarded in determining whether such property would have become worthless.

* This Reg. is substantially the same as Section 29.127(a)-4, Fed. Reg. 111.

In determining for the purposes of both (a) and (b) of the preceding paragraph whether property has become worthless, any value attributable to the possibility of recovering assets treated as destroyed or seized under Sections 17325-29 or of compensation (other than insurance or similar indemnity) for their destruction or seizure, such as an award by a government upon the completion of the war, shall be disregarded. Insurance or any other certain indemnity by a government is not disregarded. For the purposes of (a) of the preceding paragraph, any value attributable to an actual recovery in the taxable year in which the loss is claimed or, if the possibility of receiving compensation develops during such taxable year into a recognized right to compensation, attributable to such right to compensation, will prevent the intangible property from becoming worthless, and will therefore keep such property from being treated as a war loss under Sections 17330-32.

Whether or not intangible property is worthless when the underlying assets described in Sections 17325-29 are treated as destroyed or seized is a question of fact to be established by the taxpayer. Thus, the intangible property may be worthless even though there are underlying assets which are not treated as destroyed or seized under Sections 17325-29 if it derives no value from such other assets, as in a case in which there are obligations actually enforceable against such assets which are superior to the interest in such assets represented by the intangible property. For example, a corporation has $100,000 of assets, $80,000 of which are treated as destroyed or seized under Sections 17325-29, and $20,000 of which are located in the United States and are not within the provisions of Sections 17325-29. The corporation owes considerably more than $20,000 to creditors in the United States. Any stock interest in such corporation is considered worthless. If the corporation owed only $10,000 to creditors who could enforce their claims against the corporation, and owed $40,000 to creditors who are alien enemies of the United States, located in countries at war with the United States, who could not enforce their claims against the corporation, the stock is not considered worthless. The fact that any underlying assets, not under the control of a country at war with the United States, are subject to stringent controls by the United States or by any other government, such as being placed in blocked accounts or under "freezing" controls, or otherwise under the custody of the government, will not cause any interest in such assets to be considered worthless. Such assets are merely subject to government regulation, and the interest in or with respect to such assets continues subject to such regulation.

The intangible property interest described in Sections 17330-32 is deemed to be destroyed or seized upon the date that the last of the underlying assets subject to the provisions of Sections 17325-29 was treated as destroyed or seized under those

sections. In determining for such purposes when any property described in Sections 17325-28 was destroyed or seized, the taxpayer may choose any date described in those sections which he could properly choose under those sections if he were the owner of such property. The choice is made by the taxpayer's claiming a loss with respect to the destruction or seizure of the intangible property described in Sections 17330-32 in a return for the taxable year in which the date chosen falls, or in a claim for credit or refund of an overpayment for such taxable year. If no such choice is made, the date chosen will be deemed to be the latest date which could be chosen under Sections 17325-28. If at the time the return for the taxable year in which such latest date falls is due (including any extension of time for filing such return), the taxpayer has not so chosen a date in a return or claim for refund, such latest date will be considered for all purposes the date chosen, and the taxpayer may not later choose any other date unless he first obtains the permission of the commissioner. A taxpayer choosing a date by claiming such a loss on a return or claim for refund cannot change such choice unless he obtains the permission of the commissioner. A taxpayer requesting the permission of the commissioner in order to choose a new date must submit the same information as is required under Reg. 17325-50(b) in the case of a taxpayer changing his choice of date under Article 1.7 of Chapter 4, and such permission will be granted if the proper adjustments in tax liability resulting from such change may be made. The choice of date by the taxpayer must be the same for all intangible property which relates to the same property treated as destroyed or seized under Sections 17325-29. Thus, a taxpayer owning stock and bonds in a corporation, all the assets of which are in an area that comes under the control of the enemy, cannot under Sections 17330-32 treat the stock as destroyed or seized on one date and the bonds as destroyed or seized on another date.

If a taxpayer owns 100 per cent (excluding qualifying shares) of each class of stock of a corporation, he may elect for the purposes of Sections 17330-32 to determine the worthlessness of his interest in such corporation without regard to the amount of the property of such corporation which is money in the United States, bank deposits, the right to receive money from any person not situated in a country at war with the United States or in a territory under the control of such a country, and obligations issued or guaranteed as to principal or interest by the United States, except any of such property of the corporation which is treated as destroyed or seized under Sections 17325-32 during or before the taxable year of the taxpayer in which the war loss is claimed. This exclusion of certain property of the corporation in determining worthlessness is made both for the purpose of determining whether the interest of the taxpayer in the corporation is worthless and for the purpose of determining whether such interest would have become worthless if the under-

lying assets of the corporation treated as destroyed or seized under Sections 17325-29 had been destroyed. Such election is made by claiming in a return or a claim for credit or refund of an overpayment a deduction for a loss which was actually sustained upon the destruction or seizure described in Sections 17330-32 of any interest in such corporation. The election is made for the entire interest of the taxpayer in the corporation, whether represented by stock, bonds, or otherwise, and is so made even if the taxpayer claims the loss for only a part of such interest. Such election when once made is irrevocable, although the date chosen as the date when the loss occurred may be changed with the permission of the commissioner as in the case of other losses from a destruction or seizure described in Sections 17330-32. For treatment of the amount of property excluded in determining worthlessness as a recovery by the taxpayer, see Reg. 17325-50(f).

For a loss to be sustained under Sections 17330-32 with respect to any intangible property, such property must have a basis. Any intangible property treated as destroyed or seized under Sections 17330-32 will, to the extent of the loss sustained upon such destruction or seizure, be treated as a casualty loss. Sections 17307 and 17311, relating to losses on certain worthless securities being treated as capital losses, do not apply (for taxable years beginning after December 31, 1942) to the loss on any such intangible property described in Sections 17330-32, although such loss may, if the provisions of Sections 17721-24 are applicable, be treated as a capital loss under the provisions of Sections 17721-24.

Reg. 17325-17350(e).* Determination of Amount of War Loss. The loss upon the property treated as destroyed or seized under Sections 17325-28 and Sections 17348-49.5 is determined as if the taxpayer's interest in such property had ceased by reason of such destruction or seizure. The loss is determined in the same manner as in the case of any other loss by casualty except that the possibility of recovering such property described in Sections 17325-28 or Sections 17348-49.5 or of recovering any compensation (other than insurance or similar indemnity) on account of such property or interest in the taxable year or in any future taxable year (such as the return of the property, or an award by a government, upon the termination of the war) is disregarded both in determining whether the loss is evidenced by a closed and completed transaction and in determining the amount of the loss. Insurance or any other certain indemnity by a government is not disregarded. If during the same taxable year in which the destruction or seizure is deemed to occur the taxpayer recovers the property, recovers money or other property in lieu of such property, or receives compensation for such property, or if Art. 8.3-5

* This Reg. is substantially the same as Section 29.127(b)-1, Fed. Reg. 111.

during such taxable year the possibility of any such recovery or of receiving any such compensation develops into a recognized right to such recovery or compensation, such facts must be taken into account in determining whether any loss was sustained and, if a loss was sustained, the amount of the loss. For example, the taxpayer has property in an area under the control of an enemy country on the date war with such country is declared. Such property is deemed, under Section 17329, destroyed or seized on such date. During the taxable year of the taxpayer in which such date falls, the property is sent into a neutral country where the taxpayer recovers it. No loss is sustained by the taxpayer by reason of the destruction or seizure deemed to occur under Section 17329. If in lieu of such property the taxpayer had recovered other property in the same taxable year, the value of such other property must be taken into account as compensation for the loss sustained upon the destruction or seizure deemed to occur under Section 17329.

If a taxpayer owning 100 per cent of each class of stock of a corporation elects under Sections 17330-32 (Reg. 17324-50(d)) to determine the worthlessness of his interest in such corporation without regard to certain assets of the corporation as described in Sections 17330-32, the entire value of such assets of the corporation as of the date the taxpayer's interest in the corporation is deemed destroyed or seized under Sections 17330-32 shall be treated as a recovery on such date by the taxpayer in determining the amount of his loss upon such destruction or seizure. Obligations of the corporation enforceable against such assets are disregarded in determining the amount of such recovery. For example, if the corporation's interest in such assets is worth $100,000, the taxpayer's recovery under the provisions of Sections 17330-32 is considered to be $100,000, regardless of whether or not any obligations of the corporation, enforceable against such assets, are superior to the interest of the taxpayer in the corporation. Thus, if the only interest of the taxpayer in the corporation is his ownership of its stock, and if the adjusted basis of such stock is $1,000,000, his loss is $900,000 even though the corporation may have $300,000 in outstanding bonds enforceable against such assets of $100,000 and against its other assets which were not treated as destroyed or seized under Article 1.7 of Chapter 4. (It is assumed that the stock would not be worthless, and therefore a war loss under Sections 17330-32, if the election under Sections 17330-32 was not made.)

If, in the same taxable year in which the destruction or seizure of any property is deemed to occur, such property was used to discharge or satisfy any obligations and liabilities of the taxpayer, or if any such obligations and liabilities are discharged by reason of the events which cause such property to be treated as destroyed or seized, the amount of such com-

pensation must be taken into account in determining the loss upon the destruction or seizure of the property. Furthermore, the taxpayer may elect to decrease the amount of his loss in the taxable year with respect to any property treated as seized or destroyed under Article 1.7 of Chapter 4 by the amount of his other obligations and liabilities with respect to such property if such obligations or liabilities are discharged or satisfied in a subsequent taxable year out of such property or if the taxpayer is unable to determine at the time of the election whether or not such obligations or liabilities are so discharged or satisfied. The determination of the amount of the loss where there are obligations and liabilities with respect to destroyed or seized property is illustrated by the case of a bank having a branch in Roumania, the assets of which are treated under Section 17329 as destroyed or seized on the date war is declared with Roumania. In determining the loss upon such assets, consideration must be given to the compensation for the destruction or seizure resulting from the assets being used in the same taxable year to discharge the bank's liabilities to depositors in the branch. Furthermore, if the bank establishes that any liabilities to depositors were discharged out of the assets in a subsequent taxable year, or if the bank establishes that it is unable to determine whether or not any such liabilities are discharged out of the assets, it may elect to decrease the amount of the loss with respect to the assets in the branch by all such liabilities. If it is determined that any liabilities will not be discharged out of the assets, the bank may not decrease the amount of the loss by the amount of such liabilities.

The election described above to decrease the amount of the loss by obligations and liabilities with respect to the destroyed or seized property is made by so decreasing the loss in claiming a deduction therefor in the return or in a claim for credit or refund of an overpayment with respect to the taxable year in which the loss was sustained, and by attaching to such return as a part thereof, or by including in such claim a statement as to the obligations and liabilities involved, the property to which they relate, and such facts as are in the taxpayer's knowledge. The election when once made may be changed only with the permission of the commissioner. The election must be made as to all the obligations and liabilities described above with respect to the same property, and applies to all such obligations and liabilities if made as to any of them.

Reg. 17325-17350(f).* Recoveries Included in Gross Income. A taxpayer who has sustained a war loss described in Article 1.7 of Chapter 4 must include in his gross income for each taxable year, to the extent provided in Sections 17337-44, the amount of his recoveries of money and property for Art. 8.3-6

* This Reg. is substantially the same as Section 29.127(c)-1, Fed. Reg. 111.

such taxable year in respect of any war loss in a previous taxable year. Sections 17337-44 provide that such recoveries for any taxable year are not includible in income until the taxpayer has recovered an amount equal to his allowable deductions in prior taxable years on account of such war losses which did not result in a reduction of any tax. War loss recoveries are considered as made first on account of war losses allowable but not actually allowed as a deduction, and second on account of war losses allowed as a deduction but which did not result in a reduction of tax under the law. If there were deductions allowed on account of war losses for two or more taxable years which did not result in a reduction of any tax under the law, a recovery on account of such losses is considered as made on account of such losses in the order of the taxable years for which they were allowed, beginning with the latest. See Reg. 17325-50(i) for the determination of the amount of such deductions. Recoveries in excess of such amount are treated as ordinary income until such excess equals the amount of his allowable deductions in prior taxable years on account of war losses which did result in a reduction of any such tax. Any further recoveries in excess of all the taxpayer's allowable deductions in prior taxable years for war losses are treated as gain on an involuntary conversion of property as a result of its destruction or seizure, and such gain is recognized or not recognized under the provisions of Section 17672. See Regs. 17672(a-b). Such gain, if recognized, is included in gross income as ordinary income unless Sections 17721-24 apply to cause such gain to be treated as gain from the sale or exchange of a capital asset.

The amount of the recovery of any money or property in respect of any war loss is the aggregate of the amount of such money and of the fair market value of such property, both determined as of the date of the recovery. The recoveries in respect of any war loss include the recovery of the property or interest treated as destroyed or seized under Article 1.7 of Chapter 4 and the recovery of any money or property in lieu of such property or interest or on account of the destruction or seizure of such property or interest. For example, there is a recovery upon the return to the taxpayer after the termination of the war of his property which was treated as resulting in a war loss because it was located in a country at war with the United States. An award by a government on account of the seizure of the taxpayer's property by an enemy country is a recovery under Article 1.7 of Chapter 4. The amount obtained upon the sale or other transfer by the taxpayer of his right to any property treated as resulting in a war loss is also a recovery for the purposes of Article 1.7 of Chapter 4. Similarly, if a taxpayer who sustained a war loss under Article 1.7 of Chapter 4 upon the liquidation of a corporation has received the rights to any property of the corporation which was treated as

destroyed or seized under Sections 17325-29, any recovery by the taxpayer with respect to such rights is a recovery by him for the purposes of Sections 17337-44. Furthermore, if any interest of the taxpayer in or with respect to property was determined to be worthless and was treated as a war loss under Sections 17330-32, or if the taxpayer retained an interest in a corporation with respect to which he sustained a war loss under Sections 17348-49.5, and if the interest in the hands of the taxpayer is restored in value, in whole or in part, by reason of a recovery with respect to the underlying assets treated as destroyed or seized under Article 1.7 of Chapter 4, then such restoration in value is a recovery by the taxpayer for the purposes of Sections 17337-44.

The determination as to whether and to what extent any recoveries are to be included in gross income is made upon the basis of the amount of all the recoveries for each day upon which there are any such recoveries, as follows:

(1) The amount of the recoveries for any day is not included in gross income, and is not considered gain on an involuntary conversion, to the extent, if any, that the aggregate of the allowable deductions in prior taxable years on account of war losses which did not result in a reduction of any tax of the taxpayer, as determined under Reg. 17325-50(i), exceeds the amount of all previous recoveries in the same and prior taxable years.

(2) The amount of the recoveries for any day which is not excluded from gross income under (1) is included in gross income as ordinary income, and is not considered gain on an involuntary conversion, to the extent, if any, that the aggregate of all the allowable deductions in prior taxable years on account of war losses (both those which resulted in a reduction of a tax of the taxpayer and those which did not) exceeds the sum of the amount of all previous recoveries in the same and prior taxable years and of that portion, if any, of the amount of the recoveries for such day which is not included in gross income under (1).

(3) The amount of recoveries for any day which is not excluded from gross income under (1) and is not included in gross income as ordinary income under (2) is considered gain on an involuntary conversion of property as a result of its destruction or seizure. The following provisions then apply to this gain:

(a) Such gain is recognized or not recognized under the provisions of Section 17672, relating to gain upon such conversion of property. For the purpose of applying Section 17672, such gain for any day is deemed to be expended in the manner provided in Section 17672 to the extent the recovery for such day is so expended.

(b) If such gain is recognized it is included in gross income as ordinary income or, if the provisions of Sections 17721-24 apply and require such treatment, as gain on the sale or exchange of a capital asset. For the purpose of applying Sections 17721-24, such recognized gain for any day is deemed to be derived from property described in those sections to the extent of the recovery for such day with respect to such property, except such portion of such recovery as is attributable to the nonrecognized gain for such day.

(c) Sections 17345-47 provide that in determining the unadjusted basis of recovered property, the total gain and the recognized gain with respect to such property must be determined. For such purposes, the recognized gain deemed to be derived from properties described in Sections 17721-24 may be allocated among such properties in the proportion of the recoveries with respect to such properties, reduced for each property by the portion of the recovery attributable to the nonrecognized gain for such day, and the recoveries with respect to properties not described in Sections 17721-24 may be similarly allocated. The total gain derived from any recovered property is the sum of the nonrecognized gain attributable to the recovery of such property and of the recognized gain allocable to such property.

The foregoing provisions may be illustrated by the following examples:

Example (1): The taxpayer sustained war losses of $3,000 on account of properties A, B, C, and D. Of this amount, $1,000 did not result in a reduction of any income tax of the taxpayer, as determined under the provisions of Reg. 17325-50(i). In a subsequent taxable year, he received an award of $800 from the Government on account of property A. This is not included in income since it is less than the amount by which his allowable deductions for prior taxable years on account of war losses which did not result in any tax benefit, $1,000, exceed $0, the sum of all his previous recoveries. On a later date the taxpayer recovers property B, which is worth $1,500 on the date of recovery. This recovery is not included in gross income to the extent of $200, the amount by which the allowable deductions for prior taxable years on account of war losses which did not result in any tax benefit, or $1,000, exceed the sum of all previous recoveries, or $800. All of the remaining $1,300 of the recovery is included in gross income as ordinary income, and is not considered gain on the involuntary conversion of property, since it is less than the amount by which the aggregate of all the allowable deductions in prior taxable years on account of war losses, or $3,000, exceeds $1,000, the sum of the $800 of previous recoveries and of the $200 portion of the recovery with respect to B which is not included in gross income. On a still later date the taxpayer sells for $2,500 his rights to recover C.

Since the allowable deductions for prior taxable years on account of war losses which did not result in any tax benefit ($1,000) do not exceed the previous recoveries by the taxpayer ($800 and $1,500, or $2,300), none of the recovery on account of C is excluded from gross income. This recovery is included in gross income as ordinary income, and is not considered gain on the involuntary conversion of property, to the extent of $700, the amount by which the aggregate of all the allowable deductions for prior taxable years on account of war losses ($3,000) exceeds $2,300, the sum of the $2,300 of previous recoveries and of the $0 portion of the recovery on account of C which is not included in gross income. The remaining $1,800 of the recovery is considered gain on an involuntary conversion of property on account of its destruction or seizure, and is not recognized if forthwith expended in the manner provided in Section 17672. Thus, it is not recognized if it is forthwith expended for the acquisition of property related in service or use to C. On a later date the taxpayer recovers D, which has a fair market value of $400 at the time of recovery. Since the aggregate of all the allowable deductions for prior taxable years on account of war losses ($3,000) does not exceed the previous recoveries by the taxpayer ($800+$1,500+$2,500, or $4,800), all of the recovery with respect to D is considered gain on an involuntary conversion of property as a result of its destruction or seizure. Under the provisions of Section 17672, this gain is not recognized if D is used for the same purposes for which it was used before it was deemed destroyed or seized under Article 1.7 of Chapter 4.

Example (2): The taxpayer on one day recovers $3,000 for property A and $7,000 for property B, both of which were treated under Article 1.7 of Chapter 4 as destroyed or seized in a prior taxable year, and $8,000 of such $10,000 recoveries is considered gain on the involuntary conversion of property as a result of its destruction or seizure. The taxpayer forthwith expends $5,000 in the acquisition of property similar in use to B. Therefore, $5,000 of the $8,000 gain is not recognized under Section 17672, leaving $3,000 of recognized gain. Property B is within the provisions of Sections 17721-24, relating to gains and losses on the involuntary conversion of certain described property, but property A is not. Therefore, the provisions of Sections 17721-24 apply to $2,000 of the $3,000 gain, that is, the amount of the recovery with respect to B which is not attributable to the nonrecognized gain for such day ($7,000 minus $5,000). If the taxpayer forthwith expended $8,000 or more for the acquisition of property similar in use to B, none of the gain would be recognized. If the taxpayer forthwith expended the $5,000 to acquire property related in use to A, the $3,000 recognized gain would be

considered derived from B to the extent of the recovery with respect to B ($7,000), not reduced by any nonrecognized gain since none of such recovery is attributable to such nonrecognized gain, and therefore all of the $3,000 recognized gain would be subject to the provisions of Sections 17721-24.

For the purposes of Sections 17337-44, the recoveries considered are only those with respect to war losses sustained in prior taxable years. Similarly, the only deductions considered are those allowable for prior taxable years, and any allowable deductions for the year of the recovery are ignored for the purposes of applying such sections to the recovery. If property is treated as destroyed or seized under Article 1.7 of Chapter 4, and if in the same taxable year there is also a recovery with respect to such property, such recovery is not within the provisions of Sections 17337-44 but is taken into account under Sections 17334-36 in determining the amount of the loss, if any, on the destruction or seizure. See Reg. 17325-50(e). An allowable deduction with respect to a war loss is any deduction to which the taxpayer is entitled on account of any property or interest being treated as destroyed or seized under Article 1.7 of Chapter 4, regardless of whether or not such deduction was claimed by the taxpayer or otherwise allowed in computing his tax. If a deduction was claimed by a taxpayer in computing his tax for any taxable year, and if such deduction was disallowed, such deduction will not be considered an allowable deduction for such taxable year since the previous determination will not be reconsidered.

Art. 8.3-7 **Reg. 17325-17350(g).* Basis of Recovered Property.** Under Sections 17345-47, the unadjusted basis of any property treated as a war loss under Article 1.7 of Chapter 4 which is recovered and the unadjusted basis of any property which is recovered in lieu of or on account of any such war loss is considered the fair market value of such recovered property upon the date of its recovery with the following adjustments:

(1) If the sum of the recoveries for the day such property is recovered and of all previous recoveries exceeds the aggregate of the allowable deductions for prior taxable years on account of war losses, so that a portion of the recoveries for such day is treated as gain on the involuntary conversion of property, such fair market value of the property is reduced by the total gain, if any, for such day derived from such recovered property, as determined under Reg. 17325-50(f).

(2) Such fair market value, as reduced under (1) above, is increased by the portion, if any, of the recognized gain resulting from the recoveries for such day which is allocable to such recovered property, as determined under Reg. 17325-50 (f).

* This Reg. is substantially the same as Section 29.127(d)-1, Fed. Reg. 111.

In effect, the unadjusted basis of such property is its fair market value upon the date of its recovery, reduced by the amount of nonrecognized gain attributable to such recovery under the provisions of Reg. 17325-50(f).

If the respective bases of several properties of a taxpayer determined under Sections 17345-47 are greatly disproportionate to their adjusted bases immediately prior to their being treated as destroyed or seized under Article 1.7 of Chapter 4, the taxpayer may apply to the commissioner for the allocation of the aggregate of the bases of such properties among them in the proportion of their adjusted bases immediately prior to the destruction or seizure of such properties determined under Article 1.7 of Chapter 4. The amount so allocated to any such property, in an application approved by the commissioner, shall be the unadjusted basis of such property in lieu of the amount determined under the preceding paragraph.

The application to the commissioner shall set forth a list of all the properties of the taxpayer having an unadjusted basis determined under this regulation, a description of each such property together with a statement as to the amount of its adjusted basis immediately prior to the destruction or seizure of such property determined under Article 1.7 of Chapter 4, and a statement as to whether there has been any substantial change in the use or nature of the property chosen for the allocation from its nature or use immediately prior to the time it was treated as destroyed or seized. Such application will be allowed unless there has been such a substantial change in the nature or use of such property that the allocation of the bases would produce an arbitrary result, or unless the taxpayer has obtained such tax benefits by reason of the basis determined under the first paragraph of this regulation that it would be inequitable to change his basis. Thus, the allocation will not be allowed if it would give the taxpayer an unadjusted basis with respect to any property which is less than the amount of the adjustments in reduction of the basis of such property which are allowable after its recovery. For example, when property A is recovered it has an unadjusted basis of $100. After $70 depreciation has been allowed on A, an allocation is sought which would give A an unadjusted basis of $60. Since this is less than the depreciation which is an adjustment against such basis, the allocation will not be permitted.

The amount of any adjustments to the unadjusted basis determined under the first paragraph of this regulation shall, upon the allocation of the bases, be taken as an adjustment to the allocated unadjusted basis. Thus, if $30 depreciation was allowed upon a $100 basis determined under the first paragraph of this regulation, and if the unadjusted basis upon allocation is $75, such $30 depreciation is allowed against such allocated unadjusted basis, so that the adjusted basis of the property is then $45.

The taxpayer may choose any group of recovered properties for allocation, except that if any such recovered properties form one economic unit, such properties may not be separated but all or none must be included in the group. For example, a building may not be separated from the land on which it stands if both are recovered property, nor may one block of stock in a corporation be separated from other stock in such corporation or from bonds in such corporation which are also treated as a recovery. If the taxpayer has once been permitted to allocate the bases of any group of properties, he may obtain another allocation with respect to such properties only if all the properties in the original group are included together with other recovered properties not included in the original group. For example, if the bases of properties A and B are allocated, a second allocation will be made for properties A, B and C, but not for A and C or B and C.

Art. 8.3-8 **Reg. 17325-17350(h).* Cases in Which Liquidation of Corporation Causes War Loss.** Sections 17348-49.5 provide that in a limited class of cases a portion of the loss by a taxpayer upon the liquidation of a corporation will be treated as a war loss resulting from the destruction or seizure of an allocable part of the interest of the taxpayer in the corporation. The war loss is sustained at the time the loss upon the liquidation is sustained. The taxpayer sustains a war loss only if Sections 17348-49.5 apply to the loss sustained by him upon the liquidation of the corporation, and only in the amount determined under those sections. The provisions of Sections 17334-47 and the regulations thereunder, which apply to a war loss determined under Sections 17330-32 also apply to a war loss determined under Sections 17348-49.5.

(1) **Application of Sections 17348-49.5.** Sections 17348-49.5 apply only if all of the following provisions are met:

(a) The taxpayer must own not less than 50 per cent of each class of stock of the corporation at the time of the liquidation described below and at all times when any property of the corporation described in Sections 17325-33 is deemed destroyed or seized.

(b) Property of the corporation representing at least 75 per cent of the adjusted basis for determining loss of all the property of the corporation must be deemed destroyed or seized under the provisions of Sections 17325-29, relating to property actually destroyed or seized during military or naval operations or located in an enemy country or in an area under the control of such country. For the purposes of this provision:

(i) The adjusted basis for determining loss of all the property of the corporation is determined as of the date immediately

* This Reg. is substantially the same as Section 29.127(e)-1, Fed. Reg. 111.

preceding the first date on which any property of the corporation is deemed destroyed or seized under the provisions of Sections 17325-32, except that if such determination would produce a greater amount if made as of any later date falling within or before the taxable year in which the loss is sustained, it is made as of such later date on which it produces the greatest amount. If any property of the corporation which is at no time treated as destroyed or seized under Sections 17325-33 is money in the United States, bank deposits, the right to receive money from any person not situated in a country at war with the United States or in a territory under the control of such a country, or obligations issued or guaranteed as to principal or interest by the United States, then the adjusted basis of such property shall not be taken into account in determining the adjusted basis of all the property of the corporation.

(ii) The property of the corporation described in Sections 17325-29 deemed to be destroyed or seized represents at least 75 per cent of the amount determined under (i) above as the adjusted basis for determining loss of all the property of the corporation if the aggregate of the adjusted bases for determining loss of all such property described in Sections 17325-29 (determined for each such property as of the date prescribed under (i), except that the date immediately preceding the date it is deemed destroyed or seized shall be used if the property was not held by the corporation on the date prescribed in (i) or was deemed destroyed or seized on or before such date) is not less than 75 per cent of the amount so determined under (i). The property described in Sections 17325-29 which is included in determining such 75 per cent amount is property owned by the corporation, for the destruction or seizure of which it could claim a war loss under Sections 17325-29. Property of the corporation deemed destroyed or seized under Sections 17330-32 is not included in determining such 75 per cent amount even though such property may be an interest in property described in Sections 17325-29.

(c) The corporation must completely liquidate within one year, after the last property of the corporation described in Sections 17325-29 is deemed destroyed or seized under such sections, or by December 31, 1943, whichever date is the later. The corporation has completely liquidated if it has distributed to its shareholders all the assets which it is able to distribute and all its rights to assets, such as assets treated as war losses under Sections 17325-29, which it is not able to distribute. Dissolution of the corporation is not necessary if the distribution otherwise results in a complete liquidation. In some cases the corporation may not be able to comply with certain formalities required by the law applicable in the case of a liquidation. For example, a corporation chartered by a foreign government not at war with the United States may be required to hold its shareholders' meetings, at which any liquidation must be

approved, in a city occupied by the forces of a country at war with such government and with the United States; due to the occupation of that city by the enemy country the shareholders' meeting, approving the liquidation, is held at some other place. In such cases, the validity of the liquidation will be determined on the basis of whether the corporation in good faith has complied as fully as possible with all provisions of law applicable to such liquidation. The liquidation will not be considered invalid because of the absence of any formalities incident to such liquidation with which the corporation was not able to comply, unless such liquidation is actually declared invalid by any appropriate authority. If a war loss upon any such liquidation has been allowed upon audit by the commissioner, if the taxpayer attached a statement to the return in which such loss was claimed, as a part thereof, to the effect that he had determined to consider the liquidation valid for all purposes, including the treatment as a recovery by him for the purposes of Sections 17337-44 of any recovery with respect to the assets and rights to assets distributed to him, and if the taxpayer in such statement waived the benefits of any period of limitations which would prevent the adjustment of his tax liability on account of the invalidity of the liquidation at any time at which he should contend that the liquidation was invalid and the commissioner should agree to permit him so to change his position, then (in the absence of such change of position with the permission of the commissioner) the war loss will not be subsequently disallowed even though the liquidation may be declared invalid by some appropriate authority.

(2) **Determination of Amount of War Loss.** If the provisions of subsection (1) of this regulation are met, the loss sustained by the taxpayer upon the liquidation described in such subsection is considered a war loss to the extent it is attributable to the property of the corporation described in Sections 17325-29 which is deemed destroyed or seized. The loss sustained by the taxpayer upon the liquidation of the corporation is attributable to property of the corporation described in Sections 17325-29, which is deemed destroyed or seized, to the extent that such loss would be decreased (but not decreased below zero) if the corporation at the time of the liquidation owned additional assets, which it could distribute, having a fair market value equal to that of the property described in Sections 17325-29, determined for each such property as of the date immediately preceding the date it is deemed destroyed or seized. The amount of the war loss sustained by the taxpayer is the amount of such decrease. For example, a taxpayer described in subsection (1) of this regulation sustained a loss of $1,000 upon a liquidation described in such subsection. If the corporation owned additional distributable assets at the time of the liquidation having a fair market value equal to that of its property described in Sections 17325-29 (determined as of the date immediately preceding the date

such property is deemed destroyed or seized), it would have distributed $800 of such assets to the taxpayer, and his loss upon the liquidation would accordingly have been reduced by this amount. Therefore, $800 of the $1,000 loss sustained by the taxpayer is attributable to the property of the corporation described in Sections 17325-29, and the taxpayer has a war loss of $800. The remaining $200 loss sustained on the liquidation has the same character it would have had if Sections 17348-49.5 had not applied to any portion of such loss.

If the taxpayer has more than one kind of stock or other interest in the corporation, the determination of the war loss by reference to the decrease in the loss on the liquidation must be made for each such interest, since to the extent the loss on any such interest would be reduced below zero (by the distribution of the assets equal in value to the property described in Sections 17325-29 no war loss is sustained by the taxpayer. For example, the taxpayer owns stock A and stock B in the corporation, and upon its liquidation he sustains a loss of $1,000 with respect to A and of $2,000 with respect to B, or $3,000 in all. Upon a distribution of assets equal in value to the property of the corporation described in Sections 17325-29, the taxpayer would receive $1,800, reducing his loss on the liquidation by that amount. However, of this $1,800, $1,200 would be received with respect to the A stock, for which the loss on the liquidation was only $1,000. Therefore, only $1,000 of the amount received with respect to the A stock is a war loss. $600 would be received with respect to the B stock, and all of this amount is a war loss since it would not reduce the $2,000 loss on B below zero. Therefore, the war loss of the taxpayer on the liquidation is $1,600 ($1,000 plus $600) and not the $1,800 computed on the basis of the taxpayer's total interest in the corporation.

For the purposes of the preceding paragraphs of this regulation, the loss sustained by the taxpayer upon the liquidation described in subsection (1) of this regulation is determined under Article 1 of Chapter 6 and Article 3 of Chapter 3. Such loss is determined without regard to the provisions of Article 2 of Chapter 6, relating to the nonrecognition of gains and losses upon certain exchanges, but such provisions apply to that part of the loss which is not treated as a war loss. In determining the loss of the taxpayer upon the liquidation, no value shall be ascribed to the possibility of a recovery of the property of the corporation described in Article 1.7 of Chapter 4, deemed destroyed or seized, the rights to which are distributed to him, or of compensation (other than insurance or similar indemnity) on account of its destruction or seizure. Any recovery in the taxable year with respect to such rights is taken into account under Sections 17354-36 in determining the amount deductible on account of the war loss.

The war loss described in this regulation is deemed to result from the destruction or seizure of the taxpayer's interest in the corporation to which it is allocable. Therefore, this war loss, in the amount determined under Sections 17334-36 is deductible as an ordinary loss by casualty (for taxable years beginning after December 31, 1942) unless under Sections 17721-24, relating to losses on the involuntary conversion of certain property, it is treated as a loss on the sale or exchange of a capital asset. If part of the taxpayer's stock or other interests in the corporation is property described in Sections 17721-24, and part is not, then for the purposes of Sections 17721-24 the war loss must be allocated to the various interests in the corporation. The portion of any interest in the corporation to which any part of the war loss is allocable is deemed destroyed or seized under Article 1.7 of Chapter 4, and the part of the war loss allocated to such interest is deemed to result from such destruction or seizure. The allocation of the war loss among the stock and other interests of the taxpayer in the corporation is made as follows:

The war loss is apportioned among the stock and other interests of the taxpayer in the corporation in the amounts by which the losses with respect to such interests, sustained upon the liquidation, would be decreased if the corporation had distributed, as described above for the determination of the amount of the war loss, assets equal in value to its property described in Sections 17325-29. The war loss is allocable to that part of the stock or other interest of the taxpayer which is the same portion of such interest as the war loss apportioned to such interest is of the loss with respect to such interest sustained upon the liquidation. For example, the taxpayer owns stock of class A and stock of class B in a corporation. Upon the liquidation described in subsection (1) of this regulation it sustained a loss of $1,000 on the A stock and $2,000 on the B stock, a total loss of $3,000. If the corporation had distributed assets equal in value to its property described in Sections 17325-29, the taxpayer would have received $1,400, $1,000 with respect to A and $400 with respect to B, reducing his loss on each by such amount.

Therefore, of his $1,400 war loss, $1,000 is apportioned to A and $400 to B. The war loss is allocable to all of the A stock.

$$\left\{\frac{\text{\$1,000 war loss}}{\text{\$1,000 liquidation loss}} \text{ times A}\right\}, \text{ and the}$$

$1,000 war loss apportioned to the A stock is deemed to result from its destruction or seizure. Similarly, the war loss is allocable to 20 per cent of the B stock.

$$\left\{\frac{\text{\$400 war loss}}{\text{\$2,000 liquidation loss}} \text{ times B}\right\}, \text{ and the}$$

$400 war loss apportioned to B is deemed to result from the

destruction or seizure of a 20 per cent interest in the B stock owned by the taxpayer.

Reg. 17325-17350(i).* Determination of Tax Benefits from Allowable Deductions. Art. 8.3-9 That part of the aggregate of the deductions allowed a taxpayer for any taxable year on account of war losses under Article 1.7 of Chapter 4 which, if disallowed, would not result in an increase in the tax for the taxable year in which such deductions are allowed, is considered for the purposes of Article 1.7 of Chapter 4 an allowable deduction for the taxable year which did not result in a reduction of any tax of the taxpayer. In the case of recoveries of war losses and other items to which the recovery exclusion provisions of Sections 17132-36 apply, such as bad debts, the determination of the tax benefit should be made in accordance with Reg. 17132-36. The deductions allowed a taxpayer for any taxable year on account of war losses are all the deductions on account of war losses which were claimed by the taxpayer in a return or in a claim for credit or refund of an overpayment, with respect to such taxable year and which were not disallowed, and all deductions on account of war losses, which, although not so claimed by the taxpayer, were nevertheless allowed (for example, by the commissioner or a court) in computing a tax of the taxpayer.

Any deduction allowable for a taxable year on account of a war loss under Article 1.7 of Chapter 4 which (1) was not claimed by the taxpayer for such year in a return, or a claim for credit or refund of an overpayment, and (2) was not allowed as a deduction (for example, by the commissioner or a court) in computing his tax for such year or for any other year is considered a deduction which did not result in a reduction of any tax of the taxpayer, since it is an allowable deduction which was not allowed in computing any tax of the taxpayer. If the taxpayer claimed for any taxable year a deduction on account of a war loss, and if such deduction was disallowed, the taxpayer may not subsequently contend for the purposes of Sections 17337-44 that such deduction was an allowable deduction for such taxable year.

If the taxpayer elected under Sections 17334-36 to decrease the amount of a war loss by treating the obligations and liabilities described in those sections as discharged or satisfied out of the property destroyed or seized, and if the taxpayer establishes that any of the obligations and liabilities were not so discharged or satisfied, then the amount by which such continuing obligations and liabilities decreased the war loss shall be considered an allowable deduction for the taxable year in which the war loss was sustained which did not result in a reduction of any tax of the taxpayer.

* This Reg. is substantially the same as Section 29.127(f)-1, Fed. Reg. 111.

(Chapter 4—Deductions From Gross Income)

Article 2. Items Not Deductible

Section

17351. Personal and Capital Expenses and Expenses Allocable to Exempt Income.
17352. Transactions, Between Related Persons.
17353. Stock Ownership, Determination for Section 17352.
17354. Interest.
17355. Life or Terminable Interest, Shrinkage in Value.
17356. Obligor of Covenant Bond.
17357. Charitable Contributions.

Section 9(a)

Section 17351. Personal and Capital Expenses and Expenses Allocable to Exempt Income. In computing net income no deduction shall in any case be allowed in respect of:

(a) Personal, living, or family expenses, except extraordinary medical expenses deductible under Sections 17319, 17319.3 and 17319.5.

(b) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate.

(c) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made.

(d) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under the policy.

(e) Any amount otherwise allowable as a deduction which is allocable to one or more classes of income (whether or not any amount of income of that class or classes is received or accrued) wholly exempt from the taxes imposed by this part.

(f) Any amount paid or accrued on indebtedness incurred or continued to purchase a single premium life insurance or endowment contract. For the purposes of this subsection, if substantially all the premiums on a life insurance or endowment contract are paid within a period of four years from the date of which such contract is purchased, such contract shall be considered a single premium life insurance or endowment contract; or

(g) Amounts paid or accrued for such taxes and carrying charges as, under regulations prescribed by the commissioner, are chargeable to capital account with respect to property, if the taxpayer elects, in accordance with such regulations, to treat those taxes or charges as so chargeable.

Art. 9(a)-1

Reg. 17351(a).* Personal and Family Expenses. Insurance paid on a dwelling owned and occupied by a taxpayer is a personal expense and not deductible. Premiums paid for life insurance by the insured are not deductible. In the case of a professional man who rents a property for residential purposes, but incidentally receives clients, patients, or callers there in connection with his professional work (his place of business being elsewhere), no part of the rent is deductible as a business expense. If, however, he uses part of the house for his office, such portion of the rent as is properly attributable to such office is deductible. Allowances given by parents to minor children, whether said to be in consideration of services or otherwise, are not allowable deductions. Amounts paid as damages for breach of promise to marry, attorneys' fees and other costs of suit to recover such damages, and attorneys' fees paid in a

* This Reg. is substantially the same as Section 29.24-1, Fed. Reg. 111.

suit for separation are not deductible from gross income. (See Reg. 17126.) Amounts paid as alimony or allowances for support upon divorce or separation are not deductible except as provided in Section 17317.5.

For deduction of extraordinary medical expenses, see Sections 17319-19.5 and regulations thereunder.

Reg. 17351(b).* Capital Expenditures. Amounts paid for increasing the capital value or for making good the depreciation (for which a deduction has been made) of property are not deductible from gross income. (See Section 17313.) Amounts expended for securing a copyright and plates, which remain the property of the person making the payments, are investments of capital. The cost of defending or perfecting title to property constitutes a part of the cost of the property and is not a deductible expense. The amount expended for architects' services is part of the cost of the building. Commissions paid in purchasing securities are a part of the cost price of such securities. Commissions paid in selling securities are an offset against the selling price, except that in the case of dealers in securities, such commissions may be treated as an ordinary and necessary business expense. Amounts to be assessed and paid under an agreement between bondholders and shareholders of a corporation, to be used in a reorganization of the corporation, are investments of capital and not deductible for any purpose in returns of income. An assessment paid by a shareholder of a national bank on account of his statutory liability is ordinarily not deductible but, subject to the provisions of the law, may in certain cases represent a loss. Expenses of the organization of a corporation are capital expenses and not deductible from gross income. Art. 9(a)-2

Reg. 17351(c). Premiums on Business Insurance.** Premiums paid by a taxpayer on an insurance policy on the life of an officer, employee or other individual financially interested in the taxpayer's business, for the purpose of protecting the taxpayer from loss in the event of the death of the officer or employee insured are not deductible from the taxpayer's gross income. If, however, the taxpayer is not a beneficiary under such a policy, the premiums so paid will not be disallowed as deductions merely because the taxpayer may derive a benefit from the increased efficiency of the officer or employee insured. (See Regs. 17101(e) and 17301(f-i).) In either case the proceeds of such policies paid by reason of the death of the insured Art. 9(a)-3

* This Reg. is substantially the same as Section 29.24-2, Fed. Reg. 111.
** This Reg. is substantially the same as Section 29.24-3, Fed. Reg. 111.

may be excluded from gross income, provided the beneficiary is not a transferee of the policy for a valuable consideration (see Section 17122 and Reg. 17122); provided, further, that the beneficiary is not a spouse to whom such proceeds are income under Sections 17104-07.

Art. 9(a)-4 **Reg. 17351(d).* Amount Allocable to Exempt Income.** (1) **Class of Exempt Income.** As used in this regulation, the term "class of exempt income" means any class of income including interest (whether or not any amount of income of that class or classes is received or accrued), wholly exempt from the taxes imposed by the law. Included are any item or class of income constitutionally exempt from the taxes imposed by the law; any item or class excluded from gross income under any provision of Chapter 3; and any item or class of income exempt under the provisions of any other law from the taxes imposed by the law.

The object of Section 17351(e) is to segregate the exempt income from the taxable income, in order that a double exemption may not be obtained through the reduction of taxable income by expenses and other items incurred in the production of items of income wholly exempt from tax. Accordingly, just as exempt items of income are excluded from the computation of gross income under Chapter 3, so this provision of the law excludes from the computation of deductions under Sections 17301-20.7 all items referable to the production of exempt income. (See also Sections 17302 and 17304.)

(2) **Determination of Amounts Allocable to a Class of Exempt Income.** No deduction may be allowed for the amount of any item or part thereof allocable to a class or classes of exempt income. Items, or parts of such items, directly attributable to any class or classes of exempt income, shall be allocated thereto; and items, or parts of such items directly attributable to any class or classes of taxable income, shall be allocated thereto.

If an item is indirectly attributable both to taxable income and exempt income, a reasonable proportion thereof, determined in the light of all the facts and circumstances in each case, shall be allocated to each. Apportionments must in all cases be reasonable.

(3) **Statement of Items of Exempt Income—Records.** A taxpayer receiving any class of exempt income or holding any property or engaging in any activity the income from which

* This Reg. is substantially the same as Section 29.24-4, Fed. Reg. 111, with the exception of provisions respecting exempt interest.

is exempt shall submit with his return as a part thereof an itemized statement, in detail, showing (a) the amount of each class of exempt income, and (b) the amount of items, or parts of items, allocated to each such class (the amount allocated by apportionment being shown separately) as required by paragraph (2). If an item is apportioned between a class of exempt income and a class of taxable income, the statement shall show the basis of the apportionment. Such statement shall also recite that each deduction claimed in the return is not in any way referable to exempt income. The taxpayer shall keep such records as will enable him to make the allocations required by this regulation.

Reg. 17351(e).* Taxes and Carrying Charges Chargeable to Capital Account and Treated as Capital Items. (1) **General.** In accordance with Section 17351(g), items enumerated in paragraph (2) of this regulation may be capitalized at the election of the taxpayer. Thus, taxes and carrying charges with respect to property, of the type described in this regulation, are chargeable to capital account at the election of the taxpayer notwithstanding that they are expressly deductible under Sections 17301-20.7. No deduction is permitted for any items so treated. Art. 9(a)-5

(2) **Taxes and Carrying Charges.** The following items may upon the election of the taxpayer, in the manner provided in paragraph (3), be treated as chargeable to capital account (either as a component of original cost or other basis, for the purposes of Article 4 of Chapter 6, or as an adjustment to basis, for the purposes of Section 17782), notwithstanding that they are expressly deductible under Sections 17301-20.7.

(a) In the case of unimproved and unproductive real property, annual taxes, interest on a mortgage, and other carrying charges;

(b) In the case of real property, whether improved or unimproved and whether productive or unproductive, expenditures (otherwise deductible) paid or incurred in the development thereof or in the construction of an improvement or additional improvement thereon, up to the time the development or construction work has been completed, such as interest on a loan made or continued to furnish funds for this purpose (but not including theoretical interest of a taxpayer using his own funds), taxes of the owner of the property measured by compensation paid to his employees and taxes of such owner imposed on the purchase of materials for such work or on the storage, use, or other consumption in the State of materials for such work which are purchased for storage, use, or other consumption in that State, and other necessary expenditures paid or incurred in connection therewith up to the time the development or con-

* This Reg. is substantially the same as Section 29.24-5, Fed. Reg. 111.

struction work has been completed. The development or construction work with respect to which such items are incurred may relate to unimproved and unproductive real estate whether the construction work will make the property productive of taxable income (as in the case of a factory) or not (as in the case of a personal residence), or may relate to property already improved or productive (as in the case of a plant addition or improvement, such as the construction of another floor on a factory or the installation of insulation therein);

(c) In the case of personal property, taxes of an employer measured by compensation for services rendered in transporting machinery or other fixed assets to his plant or in installing them therein, interest on a loan to purchase such property or to pay for transporting or installing the same, and taxes of the owner thereof imposed on the purchase of such property or on the storage, use, or other consumption of such property in the State which is purchased for storage, use, or other consumption in that State, paid or incurred up to the date of installation or the date when such property is first put into use by the taxpayer, whichever date is later.

(d) Any other taxes and carrying charges with respect to property, otherwise deductible, which in the opinion of the commissioner are, under sound accounting principles, chargeable to capital account.

If for any taxable year there are two or more items, such as social security taxes, unemployment taxes, use taxes, or any other type of items above described, relating to the same project to which the election is applicable, the taxpayer may elect to capitalize any one or more of such items even though he does not elect to capitalize the remaining items or to capitalize items of the same type relating to other projects. However, if several items of the same type are incurred with respect to a single project the election to capitalize must, if exercised, be exercised as to all of items of that type.

Once, however, such an election is made under paragraphs (b), (c), or (d), above, to capitalize a given charge incurred with respect to a particular project, charges of the same type incurred with respect to the particular project in subsequent years, whether they be social security taxes, unemployment taxes, use taxes, sales taxes, or any other item enumerated in any of these paragraphs, must also be capitalized for the entire period to which the election so to treat items of that type is applicable. The term "project" for this purpose in the case of items included in paragraph (b) means the particular development or construction work with respect to which the charge as to which the election was exercised was incurred, and in the case of items included in paragraph (c) this term means the act of transporting, installing, or putting into use of the machinery or other fixed assets. An election under paragraph (a), however, may be exercised for a given year without regard to the

manner in which the same type of item with respect to the same property was treated by the taxpayer for a prior year.

Example (1): A in 1944 and 1945 pays annual taxes and interest on a mortgage on a piece of vacant and unproductive property. Throughout 1945 he operates the property as a parking lot. A may capitalize the taxes and mortgage interest paid in 1944 but not the taxes and mortgage interest paid in 1945.

Example (2): X began in February, 1944, the erection of a building for himself. X in 1944 paid $6,000 social security taxes in connection with the erection of the building, which in his 1944 return he elected to capitalize. X must continue to capitalize the social security taxes paid in connection with the erection of this building until its completion in 1946.

Example (3): Assume the facts in example (2) except that in November, 1944, X also begins to build a hotel which will be completed in 1946. In 1944 X pays $3,000 social security taxes in connection with the erection of the hotel. X is not bound by the election to capitalize, exercised in connection with the social security taxes paid in erecting the building started in February, 1944, but may deduct the $3,000 social security taxes.

Example (4): X in 1944 began the erection of a building for himself, which would take three years to complete. X in 1944 paid $4,000 social security taxes and $8,000 interest on a building loan in connection with this building. X may elect to capitalize the social security taxes although he deducts the interest charges.

Example (5): A purchases machinery in 1945 for use in his factory. He pays social security taxes on the labor for transportation and installation, as well as interest on a loan to obtain funds to pay for the machinery and for installation costs. A may capitalize the social security taxes and the interest up to the date of installation or until the machinery is first put into use by him, whichever is later.

The sole effect of Section 17351(g) is to permit such items to be properly charged to capital account notwithstanding that a deduction is expressly provided therefor in Sections 17301-20.7. Any item not charged to capital account which is otherwise deductible under Sections 17301-20.7 is still deductible. An item may not be charged to capital account under this regulation where such treatment would be disallowed whether or not a deduction were expressly provided therefor in Sections 17301-20.7 (such, for example, as maintenance expenses and the cost of repairs and upkeep of a personal residence). This regulation does not have the effect of disallowing an item to be treated as a capital item which would otherwise be allowed to be so treated

nor does it have the effect of making deductible an item which is not so under Sections 17301-20.7 (such, for example, as salaries or other compensation paid or incurred for services rendered in the construction of property).

In the absence of provision in this regulation for treating a given item as a capital item, this regulation has no effect on the treatment otherwise accorded such item. Thus, items which are otherwise deductible are deductible notwithstanding the provisions of this regulation, and items which are otherwise treated as capital items are to be so treated. Nor is the absence of a provision in this regulation to be construed as withdrawing or modifying the right now given to the taxpayer under some other provision of the law or of the regulations promulgated thereunder to elect to capitalize or to deduct a given item. (See Reg. 17314(p), making intangible drilling and development costs chargeable to capital or to expenses at the taxpayer's option.)

(3) **Manner of Exercising Election.** If the taxpayer elects to capitalize an item or items under this regulation, such election shall be exercised by filing with the original return a statement for that year indicating the item or items (whether with respect to the same project or to different projects) which the taxpayer elects to treat as chargeable to capital account (either as a component of original cost or other basis for the purposes of Article 4 of Chapter 6, or as an adjustment to basis, for the purposes of Section 17782).

(4) **Allocation.** If any tax or carrying charge with respect to property is in part a type of item described in subsection (2) of this regulation and in part a type of item or items with respect to which no option to treat as a capital item or as an allowable deduction is given, a reasonable proportion of such tax or carrying charge, determined in the light of all the facts and circumstances in each case, shall be allocated to each item. Apportionment must in all cases be reasonable.

Example: A, the owner of a factory to which a new addition is under construction, in 1945 pays its general manager, B, a salary of $4,000 and social security taxes of $90 measured thereby. B spends nine-tenths of his time in the general business of the firm and the remaining tenth in supervising the construction work. A treats as expenses $3,600 of B's salary and charges the remaining $400 to capital account. A may also capitalize $9 of the $90 social security taxes.

Art. 9(a)-6 **Reg. 17351(f).* Single Premium Life Insurance or Endowment Contracts.** Amounts paid or accrued on indebtedness incurred or continued, directly or indirectly, to purchase a single premium life insurance or endowment contract are not

* This Reg. is substantially the same as Section 29.24-9, Fed. Reg. 111.

deductible under Chapter 4 or any other provision of the law. This prohibition applies even though the insurance is not on the life of the taxpayer. A contract shall be considered a single premium life insurance or endowment contract, for the purposes of this regulation, if substantially all the premiums on such contracts are paid within a period of four years from the date on which the contract was purchased.

Section 17352. Transactions, Between Related Persons. In computing net income no deduction shall in any case be allowed in respect of losses from sales or exchanges of property, directly or indirectly: Section 9(b)(1)

(a) Between members of a family, as defined in subdivision (d) of Section 17353.

(b) Except in the case of distributions in liquidation, between an individual and a corporation more than 50 per cent in value of the outstanding stock of which is owned, directly or indirectly, by or for the individual.

(c) Between a partnership and a member thereof, between partnerships where more than 50 per cent of the partnership interests in each are owned by the same persons, and between a partnership and a corporation 50 per cent of the stock of which is owned or controlled by the partnership or members thereof.

(d) Between a grantor and a fiduciary of any trust.

(e) Between the fiduciary of a trust and the fiduciary of another trust, if the same person is a grantor with respect to each trust.

(f) Between a fiduciary of a trust and a beneficiary of such trust.

Section 17353. Stock Ownership, Determination for Section 17352. For the purposes of determining, in applying Section 17352, the ownership of stock: Section 9(b)(2)

(a) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust, shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries.

(b) An individual shall be considered as owning the stock or the partnership interest owned, directly or indirectly, by or for his family.

(c) An individual owning (otherwise than by the application of subdivision (b)) any stock in a corporation shall be considered as owning the stock owned, directly or indirectly, by or for his partner.

(d) The family of an individual shall include only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

(e) Stock constructively owned by a person by reason of the application of subdivision (a) shall, for the purpose of applying subdivision (a), (b), or (c), be treated as actually owned by such person, but stock constructively owned by an individual by reason of the application of subdivision (b) or (c) shall not be treated as owned by him for the purpose of again applying either of those subdivisions in order to make another the constructive owner of such stock.

Reg. 17352-17353.* Losses from Sales or Exchanges Between Certain Classes of Persons. (1) **Individuals (Including Fiduciaries).** In the case of sales or exchanges of property, directly or indirectly, between individuals (including fiduciaries) Section 17352 provides that no deduction shall be allowed with respect to losses arising therefrom in the following cases: (a) between members of a family as defined in Section Art. 9(b)-1

* This Reg. is substantially the same as Section 29.24-6, Fed. Reg. 111.

17353(d); (b) between fiduciaries of trusts having a common grantor; (c) between a grantor and a fiduciary of the same trust; or (d) between a fiduciary of a trust and a beneficiary of such trust.

(2) **Corporations (Including Shareholders).** In the case of sales or exchanges of property (except in the case of distributions in liquidation) where a corporation not acting in a fiduciary capacity is a party to the transaction, Section 17352 also provides that under certain circumstances no deduction shall be allowed with respect to losses arising from such sales or exchanges, directly or indirectly, between a corporation and an individual shareholder (see Section 17352(b)) or between an individual and a partnership, or two partnerships or a partnership and a corporation (see Section 17352(c)). Under Section 17352(b) it is necessary that there be owned, directly or indirectly, by or for the individual a party to the transaction, more than 50 per cent in value of the stock of the other party to the transaction on the date of the sale or exchange. Under Section 17352(c) more than 50 per centum of the partnership interests are owned by the person or persons to whom more than 50 per centum of the partnership income is distributed or distributable.

(3) **Stock Ownership Rule.** For the purpose of paragraph (2) of this regulation, the ownership of stock shall be determined in accordance with the rules provided in Section 17353. In order that an individual shall be considered under Section 17353(c) as constructively owning the stock of a corporation owned, directly or indirectly, by or for his partner, such individual must himself own, directly or indirectly, stock of such corporation. On the other hand, under Section 17353(b) an individual need not own any stock of a corporation, either directly or indirectly, in order to be considered as constructively owning the stock of such corporation which is owned, directly or indirectly, by or for any member of his family.

(4) **Illustrations of the Application of Sections 17352-17353.** The application of Sections 17352-53 may be illustrated by the following example:

Example: On June 15, 1945, all of the stock of the N Corporation was owned in equal proportions by A and A's partner, AP. Except in the case of distributions in complete or partial liquidation by the N Corporation, no deduction is allowable with respect to losses from sales or exchanges of property made on June 15, 1945, between A and the N Corporation or AP and the N Corporation inasmuch as, by the application of Section 17353(c), each partner is considered as having owned the stock owned by the other and, therefore, is considered as having owned more than 50 per cent in value of the outstanding stock of the N Corporation. Deductions for losses from sales or exchanges between A's brother, AB,

and the N Corporation, or between AP and A, or AP and AB are not prohibited by Sections 17352-53.

Section 17354. Interest. In computing net income no deduction shall be allowed under Section 17301, relating to expenses incurred, or under Section 17304, relating to interest accrued: Section 9(c)

(a) If such expenses or interest are not paid within the taxable year or within two and one-half months after the close thereof; and

(b) If, by reason of the method of accounting of the person to whom the payment is to be made, the amount thereof is not, unless paid, includible in the gross income of that person for the taxable year in which or with which the taxable year of the taxpayer ends; and

(c) If, at the close of the taxable year of the taxpayer or at any time within two and one-half months thereafter, both the taxpayer and the person to whom the payment is to be made are persons between whom losses would be disallowed under Sections 17352 and 17353.

The amount of expenses incurred or interest accrued the deduction of which is disallowed under this section in the year incurred or accrued, may be deducted in the year paid.

Reg. 17354.* Disallowance of Deductions for Unpaid Expenses and Interest. The application of Section 17354 may be illustrated by the following example: Art. 9(c)-1

Example: A is the holder and owner of an interest-bearing note executed by his brother, B. A and B make their income tax returns on the basis of a calendar year but B makes his returns on the accrual basis and A makes his returns on the cash receipts and disbursements basis. B does not pay any interest on such note during the calendar year 1945 or within two and one-half months after the close thereof, but claims a deduction for the year 1945 with respect to the interest accruing on the note in that year. A, being on the cash receipts and disbursements basis, does not include such interest in his return for the year 1945. By the application of Section 17354, no deduction for such interest is allowable in computing the net income of B for the year 1945. In the event B should pay such interest after March 15, 1946, it may be deducted from the income of B in the year of payment.

Section 17355. Life or Terminable Interest, Shrinkage in Value. Amounts paid under the laws of any State, Territory, District of Columbia, possession of the United States, or foreign country as income to the holder of a life or terminable interest acquired by gift, bequest, or inheritance shall not be reduced or diminished by any deduction for shrinkage (by whatever name called) in the value of such interest due to the lapse of time, or by any deduction allowed by this part (except the deductions provided for in Sections 17313 and 17314) for the purpose of computing the net income of an estate or trust but not allowed under the laws of such State, Territory, District of Columbia, possession of the United States, or foreign country for the purpose of computing the income to which such holder is entitled. Section 9(d)

Reg. 17355. Life or Terminable Interests.** Amounts paid to the holder of a life or terminable interest acquired by gift, bequest, or inheritance, shall not be subject to any deduction Art. 9(d)-1

* This Reg. is substantially the same as Section 29.24-7, Fed. Reg. 111.
** This Reg. is substantially the same as Section 29.24-8. Fed. Reg. 111.

for shrinkage (whether called depreciation or any other name) in the value of such interest due to the lapse of time. In other words, the holder of such an interest so acquired may not set up the value of the expected future payments as corpus or principal and claim deductions for shrinkage or exhaustion thereof due to the passage of time. (See Section 17746.)

No deduction shall be allowed in the case of a life or terminable interest acquired by gift, bequest, or inheritance, if the estate or trust is entitled to a deduction under the law but there is no reduction of the income of the life or terminable interest. For example, an estate or trust sells securities at a loss; if the beneficiary suffers no actual loss, then even though the estate or trust is permitted to deduct such loss in making its return, the beneficiary whose income has not been diminished thereby is not entitled to a deduction on account of such loss, but must include in his return the full amount distributed or distributable. (See Chapter 8.) However, in the case of property held by one person for life with remainder to another person and in the case of property held in trust, see Section 17313 as to depreciation and Section 17314 as to depletion.

Section 9(c) **Section 17356. Obligor of Covenant Bond.** In computing net income no deduction shall be allowed to the obligor of a covenant bond for the payment of the tax imposed by this part, or any other tax paid pursuant to the tax-free covenant clause, nor shall such tax be included in the gross income of the obligee.

(Note that there was another Section 17356 which was added by Stats. 1943, Ch. 47, and reenacted by Ch. 147 which dealt with military compensation. This Section 17356 was repealed by Stats. 1945, Ch. 645, and that same Ch. 645 included the provisions of the repealed Section 17356 in present Section 17136.1.)

Section 8 (a) (2) (B) **Section 17357. Charitable Contributions.** In computing net income no deduction shall be allowed under Section 17301 for any contribution or gift which would be allowable as a deduction under Sections 17315 and 17316 were it not for the 15 per cent limitation therein contained and for the requirement therein that payment must be made within the taxable year.

(Chapter 4—Deductions From Gross Income)

Article 3. Deductions of Nonresidents

Section

17381. Deductions of Nonresidents.
17382. Taxes.
17383. Contributions to Local Corporation.

Section 8(n) **Section 17381. Deductions Connected With Taxable Income.** In the case of a nonresident taxpayer the deductions allowed by Article 1 of this chapter shall unless otherwise provided in this article be allowed only to the extent that they are connected with the income arising from sources within this State and taxable under this part to a nonresident taxpayer. The proper apportionment and allocation of the deductions with respect to sources of income within and without the State shall be determined under rules and regulations prescribed by the commissioner.

Section 8(c), 2d sent. **Section 17382. Taxes.** Taxes or licenses paid or accrued to this State or its political subdivisions which are deductible under Section 17305 are deductible by nonresidents even though not connected with income from sources within this State.

The standard deduction is not allowable—

(a) In the case of a taxpayer having adjusted gross income of less than $5,000, who does not elect to pay the tax imposed by Section 17053.5;

(b) In the case of husband and wife filing separate returns where one spouse has adjusted gross income of $5,000 or more, and the other less than $5,000;

(c) In the case of husband and wife filing separate returns where one spouse does not elect to take the standard deduction;

(d) In the case of a taxable year of less than 12 months where such taxable year arises because of a change in accounting period (an election to take the standard deduction is not precluded by reason of the fact the return is made for a taxable year of less than 12 months on account of the death of the taxpayer);

(e) In the case of an estate or trust; and

(f) In the determination of the net income of a partnership.

(2) **Manner and Effect of Election to Take the Standard Deduction.** The following rules are prescribed with respect to the manner of signifying an election by a taxpayer to take the standard deduction:

(a) A taxpayer whose adjusted gross income as shown by his return is $5,000 or more shall be allowed the standard deduction only if he signifies on his return his election to take such deduction. Such taxpayer shall so signify on his return by claiming thereon a deduction of $300 instead of itemizing the deductions allowable under Chapter 4 other than those specified in Section 17108. The election so signified shall be irrevocable for the taxable year for which such election is made. If in any case the adjusted gross income shown on the return of the taxpayer is $5,000 or more, but the corrected adjusted gross income is less than $5,000, then

(i) If the taxpayer has elected on his return to take the standard deduction such election shall be deemed to be an irrevocable election by the taxpayer to pay the tax imposed by Section 17053.5; and

(ii) If the taxpayer has not so elected upon his return, it shall be deemed that the taxpayer has irrevocably elected not to pay the tax under Section 17053.5.

(b) If the adjusted gross income shown on the return is less than $5,000, the standard deduction is allowable only if the taxpayer elects in the manner provided in Section 17053.5 to pay the tax imposed by such section. As to the manner and effect of election to pay the tax under Section 17053.5, see Reg. 17053.5(c). In any case, however, in which adjusted gross income shown on the return is less than $5,000 but the correct adjusted gross income is in fact $5,000 or more, then

(i) If the taxpayer has elected to pay the tax imposed under Section 17053.5, it shall be deemed that he has elected to take the standard deduction; and

(ii) If the taxpayer has not elected on his return to pay the tax under Section 17053.5, it shall be deemed that he has made an election not to take the standard deduction.

(3) **Husband and Wife.** Where husband and wife file a joint return and an election is made thereon to take the standard deduction, such deduction shall be determined by reference to the aggregate adjusted gross income of both spouses. If husband and wife each have adjusted gross income of $5,000 or more, and separate returns are filed, each may elect to claim a standard deduction of $300 as provided by Section 17325. However, if a joint return is filed, only one standard deduction of $300 may be claimed.

For situations where the standard deduction is not allowable in the case of husband and wife filing separate returns, see subdivision (1), paragraphs (b) and (c) of this regulation.

The restriction upon the right of a married person to elect to take the standard deduction in his separate return is applicable with respect to the taxable years of the husband and wife ending in the same calendar year, except that in the event of the death of one spouse the restriction is applicable with respect to the taxable year ended with death and the taxable year of the surviving spouse in which such death occurs. The determination of whether an individual is married shall be made as of the last day of such individual's taxable year unless his spouse dies during such taxable year, in which event the determination shall be made as of the date of death of such spouse.

Example (1): Taxpayer A makes his returns on the basis of a fiscal year ending June 30. His wife B makes her returns on the calendar year basis. A died in October 1945. In such case since A and B were married as of the date of death, B may not elect the standard deduction for the calendar year 1945, if the income of A for the short taxable year ending with the date of his death is determined without regard to the standard deduction.

(Chapter 4—Deductions From Gross Income)

Article 1.7. War Losses

Section

17325. War Losses.
17326. War Losses, When Realized.
17327. War Losses, Property Within an Area Under Control of a Country at War With the United States.
17328. War Losses, Date Specified for 17326.
17329. War Losses, Property in Country at War With the United States or Under Its Control.
17330. War Losses, Securities.
17331. War Losses, Determination in Case of Securities.
17332. War Losses, Securities in Corporation Owned 100 Per Cent by Taxpayer.

Section
17333. War Losses, Electing Date of Loss.
17334. War Losses, Determination of Loss.
17335. War Losses, Decreased by Partial Satisfaction in Subsequent Year.
17336. War Losses, None Where Satisfaction in Taxable Year.
17337. War Losses, Effect of Recovery.
17338. War Losses, Amount of Recovery.
17339. War Losses, Recoveries, Where No Prior Tax Benefit.
17340. War Losses, Recoveries Where Prior Tax Benefit.
17341. War Losses, Recoveries in Excess of Previous Deductions With Tax Benefits.
17342. War Losses, Recoveries Where Prior Satisfaction Erroneously Assumed.
17343. War Losses, Recoveries Where Previous Deduction Claimed Not Allowed.
17344. War Losses, Recoveries of Property Represented by Securities
17345. War Losses, Unadjusted Basis of Property Recovered.
17346. War Losses, Determination of Unadjusted Basis on Recoveries.
17347. War Losses, Allocation of Basis on Recoveries.
17348. War Losses, on Liquidation of Corporation Where Taxpayer Owns at Least 50 Per Cent of the Stock.
17349. War Losses, Determination of Adjusted Basis for Section 17348.
17349.5. War Losses, Time When Adjusted Basis Determined Under Section 17348.
17350. War Losses, Determined Pursuant to Rules and Regulations.

Section 17325. War Losses. In computing net income there shall be allowed as a deduction losses sustained during the taxable year and not compensated for by insurance or otherwise of property destroyed or seized on or after December 7, 1941, in the course of military or naval operations by the United States or any other country engaged in the present war. Section 8.3 (a), part of (1)

Section 17326. War Losses, When Realized. Property described in Section 17325 shall be deemed to have been destroyed or seized on a date chosen by the taxpayer in the manner provided in Section 17333, which falls between: Section 8.3 (a), part of (1) and (A) and part of (B)

(a) The latest date, as established to the satisfaction of the commissioner, on which that property may be considered as not destroyed or seized, and

(b) The earliest date, as established to the satisfaction of the commissioner, on which that property may be considered as having already been destroyed or seized.

Section 17327. War Losses, Property Within an Area Under Control of a Country at War With the United States. For the purposes of this article property within an area which comes under the control of a country at war with the United States after the date war with such country is declared by the United States shall be deemed to have been destroyed or seized in the course of military or naval operations by that country. Section 8.3 (a) (1), part of (B)

Section 17328. War Losses, Date Specified for 17326. The date specified in Section 17326 (a) shall not be later than the latest date determined by the commissioner as the date on which that area was under the control of the United States or a country not at war with the United States, and the date specified in Section 17326 (b) shall not be later than the earliest date determined by the commissioner as the date on which that area may be considered under the control of the country which is at war with the United States. Section 8.3 (a) (1), part of (B)

Section 8.3 (a) (2)

Section 17329. War Losses, Property in Country at War With the United States or Under Its Control. Property within any country at war with the United States, or within an area under the control of that country on the date war with that country was declared by the United States, shall be deemed to have been destroyed or seized on the date war with that country was declared by the United States.

Section 8.3 (a) (3), 1st sent.

Section 17330. War Losses, Securities. Any interest in, or with respect to, property described in Sections 17325, 17326, 17327, 17328 and 17329, including any interest represented by a security as defined in Section 17307 or Section 17312, which becomes worthless shall be considered to have been destroyed or seized, and the loss therefrom shall be considered a loss from the destruction or seizure. The destruction or seizure shall be deemed to occur on the date chosen by the taxpayer which falls between the dates specified in Sections 17326 to 17328, inclusive, or on the date prescribed in Section 17329, as the case may be, when the last property described in the applicable section to which the interest relates would be deemed destroyed or seized under the applicable section.

Section 8.3 (a) (3), 2d and 3d sents.

Section 17331. War Losses, Determination in Case of Securities. Section 17330 shall apply only if the interest would have become worthless if the property had been destroyed. For the purposes of this section, an interest shall be deemed to have become worthless notwithstanding the fact that the interest has a value if that value is attributable solely to the possibility of recovery of the property, compensation (other than insurance or similar indemnity) on account of its destruction or seizure, or both. Sections 17311 and 17307 shall not apply to any interest which under this section is considered to have been destroyed or seized.

Section 8.3 (a) (3), 4th sent.

Section 17332. War Losses, Securities in Corporation Owned 100 Per Cent by Taxpayer. Under regulations prescribed by the commissioner, a taxpayer who owns 100 per cent, excluding qualifying shares, of each class of stock of a corporation may elect to determine the worthlessness of his interest, described in Section 17331, in or with respect to the property of the corporation, without regard to the amount of the property of that corporation which would be excluded under Section 17349 in determining the adjusted basis of all the assets of the corporation for the purposes of Sections 17348, 17349 and 17349.5, but that amount shall be treated under Section 17334 as a recovery by the taxpayer in the taxable year with respect to such interest.

Section 8.3 (a) (4)

Section 17333. War Losses, Electing Date of Loss. The taxpayer's choice of a date under Sections 17326, 17327, 17328 and 17330 shall be effective only if made within the time and in the manner as may be prescribed by regulations prescribed by the commissioner.

Section 8.3 (b) (1)

Section 17334. War Losses, Determination of Loss. In the case of any property or interest in or with respect to property deemed to be destroyed or seized under this article, the amount of the loss on account of that property or interest shall be determined with regard to any recoveries with respect thereto in the taxable year but without regard to any possibility of recovering that property or interest, or of receiving any compensation (other than insurance or similar indemnity) on account of that property or interest in the taxable year or in any future taxable year.

Section 8.3 (b) (2), 1st par.

Section 17335. War Losses, Decreased by Partial Satisfaction in Subsequent Year. In the case of any property or interest in or with respect to property deemed to be destroyed or seized under this article, the taxpayer may choose to decrease the amount of the loss by all obligations or liabilities of the taxpayer with respect to that property or interest discharged or satisfied out of the property or interest upon its destruction or seizure, if the commissioner is satisfied that those obligations or liabilities are so discharged or satisfied in a subsequent taxable year, or that the tax-

(b) In a taxable year ending after December 31, 1941, the taxpayer is required to pay or repay to the United States or any agency thereof the amount of profits eliminated, or

(c) The amount of profits eliminated is applied as an offset against other amounts due the taxpayer,

Then the profits so eliminated shall be excluded from gross income for the prior taxable year if they were included in gross income for the prior taxable year.

Section 17321.3. Renegotiation, Definition. As used in Section 17321, "renegotiation" includes: Section 8.1(a)(1)

(a) Any transaction which is a renegotiation within the meaning of Section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, Seventy-seventh Congress, Second Session) or that section, as amended;

(b) Any modification of one or more contracts with the United States or any agency thereof; and

(c) Any agreement with the United States or any agency thereof in respect of one or more such contracts or subcontracts thereunder.

Section 17321.5. Excessive Profits, Definition. As used in Section 17321, "excessive profits" includes: Section 8.1(a)(2)

(a) Any amount which constitutes excessive profits within the meaning assigned to that term by subsection (a) of Section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, Seventy-seventh Congress, Second Session), as amended by the Revenue Act of 1942;

(b) Any part of the contract price of a contract with the United States or any agency thereof;

(c) Any part of the subcontract price of a subcontract under a contract; and

(d) Any profits derived from one or more contracts or subcontracts.

Section 17321.7. Subcontract, Definition. As used in Section 17321, "subcontract" includes any purchase order or agreement which is a subcontract within the meaning assigned to that term by subsection (a) of Section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, Seventy-seventh Congress, Second Session), as amended by the Revenue Act of 1942. Section 8.1(a)(3)

Section 17322. War Profits, Cost-Plus-a-Fixed-Fee Contract. In the case of a cost-plus-a-fixed-fee contract between the United States or any agency thereof and the taxpayer, if an item for which the taxpayer has been reimbursed by the United States or any agency thereof is disallowed as an item of cost chargeable to that contract, and, in a taxable year ending after December 31, 1941, the taxpayer is required to repay the United States or any agency thereof the amount disallowed, or the amount disallowed is applied as an offset against other amounts due the taxpayer, for the purposes of this part the amount so disallowed or so applied as an offset shall be allowed as a deduction in the taxable year in which the reimbursement for the item was received or was accrued to the extent that the taxpayer's taxable net income for the year in which the cost was incurred would have been reduced had no reimbursement been received or accrued. Section 8.1(b)

Section 17322.3. War Profits, Year of Deduction. The amount of the payment, repayment, or offset described in Section 17321 and 17322 shall not constitute a deduction for the year in which paid or incurred. Section 8.1(c)

Section 17322.5. Renegotiated Profits, Deducted in Accordance with Accounting Method. Sections 17321 to 17322.3, inclusive, shall not apply in respect of any contract if the taxpayer shows to the satisfaction of the commissioner that a different method of accounting for the amount of the payment, repayment, or disallowance clearly reflects income, and in such Section 8.1(d)

case the payment, repayment, or disallowance shall be accounted for with respect to the taxable year provided for under that method.

Section 8.1 (e)

Section 17322.7. Renegotiated Profits, Refund. Any overpayment in tax which results from the application of Sections 17321 to 17322.5, inclusive, shall be credited or refunded as provided in this part. Notwithstanding the provisions of any statute of limitations, credit or refund shall be made if claim therefor is filed within four years from the last day prescribed for filing the return or within two years from the date of payment, repayment, or offset described in Sections 17321 to 17322.5, inclusive, whichever is later.

Section 8.1 (f)

Section 17322.9. Renegotiated Profits, Abatement. If prior to the payment of the last installment of tax for the taxable year the taxpayer becomes entitled to the exclusions or deductions provided in Sections 17321 to 17322.5, inclusive, for its taxable year, the taxpayer may, under regulation prescribed by the commissioner, file a claim in abatement of any unpaid tax or portion thereof, but not in excess of the reduction in tax resulting from the application of these sections.

Art. 8.1-1

Reg. 17321-17322.9. Refunds and Abatements in Connection With Renegotiation of War Contracts. Sections 17321-32.11 provide for an abatement of unpaid taxes or a refund of paid taxes insofar as the assessed unpaid taxes or the taxes already paid were affected by gross income from war contracts, which have been renegotiated by Federal renegotiation or price adjustment boards pursuant to Section 403 of the Sixth Supplemental National Defense Appropriation Act in its original or amended form.

The relief is extended to subcontractors as well as to contractors. Each taxpayer (contractor or subcontractor) must file his own claim for refund or abatement.

If a taxpayer included such gross income in his taxable base for a taxable year, and thereafter his (or his prime contractor's) war contract was renegotiated under the above-mentioned act, and a portion of the profits under the contract are returned to the Federal Government, the taxpayer is permitted, by Sections 17321-32.11, to claim a refund of any taxes which are attributable to such returned profits. If there should be any unpaid taxes which are attributable to such profits, the taxpayer may file a claim in abatement thereof.

Regardless of the provisions of Article 1 of Chapter 13 or any other provision of the law, a taxpayer may file such refund or abatement claim within four years from the last day prescribed for filing the return (which properly reported such gross income) or within two years from the date of payment, repayment, or offset described in Sections 17321 and 17322 whichever is the later.

The return of "excessive war profits" affects the taxes paid or unpaid for the year the taxpayer properly reported such profits and does not affect taxes for the year such "excessive profits" are returned to the Federal Government. The amount of the payment, repayment or offset described in Sections 17321 and 17322 is not deductible in the year in which it is paid or accrued.

The refund or abatement will be based upon the actual amount of "excessive war profits" determined by the Federal renegotiation boards. It is immaterial that under the Federal act, supra, the net amount returned to the Federal Government is determined after taking into consideration the refund of Federal income taxes, etc., attributable to such "excessive profits."

At the time a taxpayer files his claim for refund or abatement under Sections 17321-32.11, he must submit in support thereof a statement from his Federal renegotiation board, or other Federal agency, certifying (1) to the amount of excessive profits determined by the board, (2) the method used by the board in making such determination, and (3) that such excessive profits (offset by Federal income taxes, etc.) have actually been returned by the taxpayer or in cases where taxpayer reports on the accrual method that his liability to return the same has accrued.

Section 17332.11. Renegotiated Profits, Effect of Abatement. In any case in which a claim in abatement is filed pursuant to Section 17322.9, and the commissioner makes an abatement, the tax disclosed by the original return shall, for the purpose of Article 2 of Chapter 11 of this part, be deemed to be reduced by the amount of the tax abated. Section 8(g)

(Chapter 4—Deductions From Gross Income)

Article 1.5. Plans Deferring Receipt of Compensation

Section

17324. Contributions to Pension Trust, Etc.
17324.1. Pension Trust, Etc., Contributions, When Deductible.
17324.2. Pension Trust Contributions, Amount Deductible.
17324.3. Pension Trust Contributions, in Lieu Deduction.
17324.4. Pension Trust Contributions, Treatment of Excessive Contributions.
17324.5. Retirement Annuities, Contributions Deductible.
17324.6. Stock Bonus and Profit-Sharing Trust, Contributions Deductible.
17324.7. Stock Bonus and Profit-Sharing Trust, Carry-Over of Unpaid Contributions.
17324.8. Stock Bonus and Profit-Sharing Trust, Carry-Over of Excess Contributions.
17324.9. Stock Bonus or Profit-Sharing Trust, Definition.
17324.10. Nonexempt Employees' Trust, Contributions Deductible.
17324.11. Contributions, Deemed Made on the Last Day.
17324.12. Contributions to Employees' Trust, Limitations.
17324.13. Employees' Pension Trust, Carry-Over Contributions.
17324.14. Employees' Trust, Limitation Where No Employee Is a Beneficiary of More Than One Trust.
17324.15. Employers' Contributions, Where No Plan.
17324.16. Employers' Contributions, Applicable to Years Prior to 1943.
17324.17. Employers' Contributions, Apportioned Under 1943 and Prior Law.
17325. Standard Deductions.
17326. Standard Deductions, in Lieu of All Deductions Save Those in Section 17108.

17327. Standard Deduction, Method of Claiming.
17328. Standard Deduction, Husband and Wife.
17329. Standard Deduction, Less Than 12-Month Period.

Section 8(m)(1)

Section 17324. Contributions to Pension Trust, Etc. In computing net income, if contributions are paid by an employer to or under a stock bonus, pension, profit-sharing, or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of the compensation, contributions or compensation shall not be deductible under Section 17301 but shall be deductible, if deductible under Section 17301 without regard to this article, under this article but only to the extent allowed under Sections 17324.1, to 17324.10, inclusive.

Note that Stats. 1943, Ch. 659, p. 2364, enacted a Section 17303 to cover this material. However, Stats. 1943, Ch. 353, p. 1534, repealed Section 17303 and the same statute and chapter at pages 1541 et seq. rewrote the law in connection with this subject material.

Section 8(m)(1)(A), part of 1st sent.

Section 17324.1. Pension Trust, Etc., Contributions, When Deductible. There shall be a deduction allowed in the taxable year when paid of contributions paid into a pension trust.

Section 8(m)(1)(A), 2d part of 1st sent. and (i) and (ii)

Section 17324.2. Pension Trust Contributions, Amount Deductible. If the taxable year ends within or with a taxable year of the trust for which the trust is exempt under Article 3 of Chapter 8, the amount deductible is:

(a) An amount not in excess of 5 per cent of the compensation otherwise paid or accrued during the taxable year to all the employees under the trust, but the amount may be reduced for future years if found by the commissioner upon periodical examinations at not less than five-year intervals to be more than the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan, plus

(b) Any excess over the amount allowable under (a) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the commissioner. However, if the remaining unfunded cost with respect to any three individuals is more than 50 per cent of the remaining unfunded cost, the amount of the unfunded cost attributable to such individuals shall be distributed over a period of at least five taxable years.

Section 8(m)(1)(A)(iii)

Section 17324.3. Pension Trust Contributions, in Lieu Deduction. In lieu of the amounts allowable under Section 17324.2, the amount deductible may be

(a) An amount equal to the normal cost of the plan, as determined under regulations prescribed by the commissioner, plus

(b) If past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 per cent of the cost which would be required to completely fund or purchase the pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the commissioner, except that in no case shall a deduction be allowed for any amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased.

Section 8(m)(1)(A)(iv)

Section 17324.4. Pension Trust Contributions, Treatment of Excessive Contributions. Any amount paid in a taxable year in excess of the amount deductible in that year under Sections 17324.2 and 17324.3 shall be deductible in the succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each succeeding year and the maximum amount deductible for that year.

Section 17319. Medical Expenses. In computing net income, there should be allowed as a deduction, except as limited under Sections 17319.3 and 17319.5, expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent of the taxpayer specified in Section 17952. The term "medical care," shall include amounts paid for the diagnosis, cure, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body (including amounts paid for accident or health insurance). Section 8(q)

Section 17319.3. Medical Expenses, Limitation for Joint Return. A husband and wife who file a joint return may deduct only those expenses as exceed 5 per cent of the aggregate adjusted gross income of the husband and wife, computed without the benefit of this section, and the maximum deduction for the taxable year shall be not in excess of two thousand five hundred dollars ($2,500) in the case of husband and wife. Section 8(q)(1)

Section 17319.5. Medical Expenses, Limitation for Separate Return. An individual who files a separate return may deduct only those expenses as exceed 5 per cent of the adjusted gross income of the taxpayer, computed without the benefit of this section, and the maximum deduction for the taxable year shall be not in excess of two thousand five hundred dollars ($2,500) in the case of the head of a family, and not in excess of one thousand two hundred fifty dollars ($1,250) in the case of all other individuals. Section 8(q)(2)

Reg. 17319-17319.5(a).* Medical, Dental, Etc., Expenses. Art. 8(q)-1

Sections 17319-19.5 permit a deduction from gross income of payments for certain medical expenses. The deduction is allowable only to individuals and only with respect to medical expenses actually paid during the taxable year, regardless of when the incident or event which occasioned the expenses occurred and regardless of the method of accounting employed by the taxpayer in making his income tax return. If the medical expenses are incurred but not paid during the taxable year, no deduction can be taken for such year. Thus, if an expenditure was incurred in December, 1943, but not paid until January, 1944, no deduction can be taken for the year 1943.

The expenses paid must be for medical care of the taxpayer, his spouse, or a dependent of the taxpayer (see Section 17952 for description of dependents), not compensated for by insurance or otherwise. Where reimbursement, from insurance or otherwise, for medical expenses is not received until a taxable year subsequent to the year in which allowable medical expenses were paid, the reimbursement so received must be included in the gross income of the taxpayer for the taxable year received to the extent attributable to (and not in excess of) deductions allowed under Sections 17319-19.5 for any prior taxable year (see Section 17127).

Where during the year for which the deduction is taken payments are made for medical care which are not compensated for during such year but for which compensation is received in a subsequent year or years, the entire amount of the compensation so received, if equal to or less than the

* This Reg. is substantially the same as Section 29.23(x)-1, Fed. Reg. 111.

amount which was deducted, shall be considered as attributable to the deduction taken for such prior year. If the amount of the compensation received in the subsequent year or years is greater than the amount which was deducted for the prior year, such portion of the compensation received which is equal in amount to the deduction taken shall be considered as attributable to such deduction. If the deduction for the prior year would have been greater than $2,500 or $1,250, as the case may be, but for the limitations on such deduction provided by Section 17319, then, for purposes of the two preceding sentences, the amount of the compensation received in a subsequent year or years shall be reduced by an amount equal to the amount by which the deduction for the prior year would have been greater than $2,500 or $1,250, as the case may be, but for such limitations. If compensation is received in a subsequent year or years, the net deduction for medical expenses will thus be the same as if the compensation had been received in the year in which the payments for medical care were made.

It is unnecessary for the purposes of this regulation that the spouse or dependent of the taxpayer for whom the medical expenses are paid be such at the time of payment, or at the time they were incurred. Thus, payments made in June, 1943, by A, for medical services rendered B, his wife, in 1942 may be deducted by A for 1943 even though prior to payment for that year B died or secured a divorce; and payments made in July, 1943, by C for medical services rendered D in 1942 may be deducted by C for 1943 even though C and D were not married until June, 1943.

For taxable years beginning after December 31, 1942, and prior to January 1, 1945, only such medical expenses are deductible as exceed 5 per cent of the net income computed without the deduction for medical expenses. Where a taxpayer has allowable deductions for both charitable contributions and medical expenses the allowable deductions for charitable contributions should be computed first, without regard to deduction for medical expenses, and thereafter the deduction for medical expenses should be calculated (see Reg. 17315-17).

For taxable years beginning after December 31, 1944, only such medical expenses are deductible as exceed 5 per cent of the adjusted gross income for the taxable year. As to what constitutes adjusted gross income see Section 17108. A deduction for medical expenses shall not be deemed to have been allowed for any taxable year for which the taxpayer claimed and was allowed the standard deduction under Section 17325.

The maximum deduction allowable for medical expenses paid in any one taxable year is $2,500 in the case of the head of a family or a husband and wife filing a joint return. In all other cases, the maximum is $1,250.

beginning after December 31, 1942, was liable, which were not properly allowable as a deduction in his last taxable year or any prior taxable year, are allowed when paid (1) as a deduction by the estate, or (2) if the estate was not liable to pay such obligation, as a deduction by the person who by bequest, devise, or inheritance from the decedent or by reason of the death of the decedent acquires subject to such obligation an interest in property of the decedent. For the purposes of (2) above, the right to receive an amount of gross income in respect of a decedent is considered property of the decedent; on the other hand, it is not necessary for a person, otherwise within the provisions of (2), to receive the right to any income in respect of the decedent. If the decedent, who reported income on the basis of cash receipts and disbursements, owned real property on which no income had accrued, but on which accrued taxes had become a lien, and if such property passed directly to the heir of the decedent in a jurisdiction in which real property does not become a part of a decedent's estate, the heir, upon paying such taxes, may take the same deduction under Sections 17305, 17305.5 and 17382 that would be allowed to the decedent if, while alive, he had made such payments.

However, the deduction for percentage depletion is allowable only to the person who receives the income in respect of the decedent to which the deduction relates, whether or not such person receives the property from which such income is derived. Thus, if the income results from payments on units of mineral sold by the decedent, who reported income on the basis of cash receipts and disbursements, the deduction for depletion, computed on such number of units as if the person receiving such income had the same economic interest as the decedent, shall be allowed to such person regardless of whether or not he receives any interest in the mineral property other than such income. If the decedent did not compute his deduction for depletion on the basis of percentage depletion, any deduction for depletion to which the decedent was entitled at the date of his death would be allowable in computing his net income for his last taxable year, and there can be no deduction in respect of the decedent by any other person for such depletion.

Reg. 17250-17257(c).* Deduction for Inheritance Tax Attributable to Income in Respect of Decedent. Art. 7.2-3 Sections 17256-57 provide that a person required to include in gross income any amount in respect of a decedent may deduct that portion of the inheritance tax which is attributable to the inclusion of the right to receive such amount. This deduction is determined by first ascertaining the net value of the items which are included under Sections 17250-57 in computing the income of the person, described in those sections, that is, the excess of the value of the items of gross income in respect of

* Compare Section 29.126-3, Fed. Reg. 111.

the decedent over the deductions. The portion of his inheritance tax attributable to the inclusion of such net value is the excess of the inheritance tax over such tax computed without including such net value. Each person receiving such income may deduct an amount which bears the same ratio to such portion of his inheritance tax as the value (in the property transferred and subject to inheritance tax) of the right to the income included by the person bears to the value (in the property transferred and subject to inheritance tax) of all the items of gross income in respect to the decedent. Sections 17256-17257 are illustrated by the following examples:

Example (1): X, an attorney who kept his books on the basis of the cash receipts and disbursements method of accounting, was entitled at the date of his death to a fee for services rendered in a case not completed at the time of his death, which fee was valued at $10,000 and to accrued interest on bonds which was valued at $10,000 (he held no title to bond). In addition, he had $90,000 on deposit in a California bank.

In his will he made A, an adult son, a specific legacy of the attorney's fee and also bequeathed him one-half of the bank deposit. B, an adult son, was to receive the bond interest as a specific legacy and the other half of the bank deposit. The only deduction under Section 2(11) of the California Inheritance Tax Act was a debt of $1,000 arising in connection with the attorney's fee mentioned above.

In the year (1945) following X's death, A collected the attorney's fee in the amount of $12,000 and included the same in his taxable gross income. A computes his Sections 17256-57 deduction for such taxable year in the following manner:

STEP 1 (Net value computed)	(1) Value of Sections 17250-17253 income included in inheritance tax computations	$10,000
	(2) Sections 17254-17255 deductions included in inheritance tax computations	1,000
	(3) Net value of Items (1) and (2)	$9,000
STEP 2 (Portion of inheritance tax due to net value computed)	(4) Inheritance tax	$1,330
	(5) Inheritance tax excluding Item (3), supra	$1,015
	(6) Portion of inheritance tax attributable to Item (3)	$315
STEP 3 (Computation of inheritance tax deduction)	(7) Value in inheritance tax base received by A as income in taxable year	$10,000
	(8) Value of Item (1)	$10,000
	(9) Part of inheritance tax deductible in year of receipt of attorney's fee	$\frac{10,000}{10,000} \times \$315 = \$315$

Although a $12,000 attorney's fee was actually collected by A, only $10,000 was included in the inheritance tax computations. However, to avoid distortion, Sections 17256-57 provide that if the value included in the inheritance tax computations is greater than the amount of income finally collected, only the amount collected would be used in the above example. Thus, if the amount collected by A were only $8,000, the inheritance tax deductible in the year of receipt would be $\frac{8,000}{10,000} \times \$315 = \$252$.

B, receiving $9,000 bond interest in same taxable year, would compute his inheritance tax deduction as follows:

STEP 1	(1) Value of Sections 17250-17253 income included in inheritance tax computations	$10,000
	(2) Sections 17254-17255 deductions included in inheritance tax computations	0
	(3) Net value of Items (1) and (2)	$10,000
STEP 2	(4) Inheritance tax	$1,330
	(5) Inheritance tax excluding Item (3) supra	$985
	(6) Portion of inheritance tax attributable to Item (3) supra	$345
STEP 3	(7) Value in inheritance tax base received by B as income in taxable year	$9,000
	(8) Value of Item (1)	$10,000
	(9) Part of inheritance tax deductible by B in year of receipt of bond int. $\frac{9,000}{10,000} \times \$345 =$	$310.50

Example (2): (a) If the estate of X had received the attorney's fee instead of A and included the same in its taxable gross income, it would be entitled to the same deduction granted to A (when A received same), i.e. $315.

(b) If the estate of X had also received the bond interest and included the same in its taxable gross income it would have the right to deduct the $310.50 attributable to that item.

CHAPTER 4. DEDUCTIONS FROM GROSS INCOME

Article 1. Items Deductible

Section

17301. Business Expenses.
17302. Expense, Not Deductible.
17302.5. Expenses Incurred in Producing Taxable Income.
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17305.5. Sales Taxes.
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17320.7. Deductions, in Respect to Decedent.
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17321. War Profits, Renegotiated.
17321.3. Renegotiation, Definition.
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17321.7. Subcontract, Definition.
17322. War Profits, Cost-Plus-a-Fixed-Fee Contract.
17322.3. War Profits, Year of Deduction.
17322.5. Renegotiated Profits, Deducted in Accordance with Accounting Method.
17322.7. Renegotiated Profits, Refund.
17322.9. Renegotiated Profits, Abatement.
17332.11. Renegotiated Profits, Effect of Abatement.

Section 8(a)(1), (A), 1st par.

Section 17301. Business Expenses. In computing net income there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered; traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

trade-marks, trade brands, franchises, and other like property is taxable, if such intangible property has a business situs in this State within the meaning of (3) below.

(2) Income of nonresidents from intangible personal property such as shares of stock in corporations, bonds, notes, bank deposits and other indebtedness is taxable as income from sources within this State only if the property has a situs for taxation in this State, except that if a nonresident buys or sells stocks, bonds, and other such property in California, or places orders with brokers in California to buy or sell such property, so regularly, systematically and continuously as to constitute doing business in this State, the profit or gain derived from such activity is taxable as income from a business carried on here, irrespective of the situs of the property for taxation.

(3) Intangible personal property has a business situs in this State if it is employed as capital in this State or the possession and control of the property has been localized in connection with a business, trade or profession in this State so that its substantial use and value attach to and become an asset of the business, trade or profession in this State. For example, if a nonresident pledges stocks, bonds or other intangible personal property in California as security for the payment of indebtedness, taxes, etc., incurred in connection with a business in this State, the property has a business situs here. Again, if a nonresident maintains a branch office here and a bank account on which the agent in charge of the branch office may draw for the payment of expenses in connection with the activities in this State, the bank account has a business situs here.

If intangible personal property of a nonresident has acquired a business situs here, the entire income from the property including gains from the sale thereof, regardless of where the sale is consummated, is income from sources within this State, taxable to the nonresident.

(4) Income of a nonresident beneficiary from an estate or trust, distributed or distributable to the beneficiary out of income from intangible personal property of the estate or trust, is not income from sources within this State and is not taxable to the nonresident beneficiary unless the property is so used by the estate or trust as to acquire a business situs in this State within the meaning of (2) and (3) above, or, in the case of royalties, patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like property, unless the estate or trust permits or licenses the property to be used in this State in the manner described in (3) above.

Whether or not the executor or administrator of an estate or the trustee of a trust is a resident of this State is immaterial in so far as the taxation of income of beneficiaries from the estate or trust is concerned.

CHAPTER 3.5. GROSS INCOME AND DEDUCTIONS IN RESPECT OF DECEDENTS

Section

17250. Decedent's Gross Income—To Whom Taxable.
17251. Transfer of Decedent's Gross Income, Taxability of.
17252. Transfer, Definition.
17253. Decedent's Income—Nature of Right Therein.
17254. Deductions Attributable to Decedent's Gross Income.
17255. Depletion, Attributable to Decedent's Gross Income, Deductibility of.
17256. Inheritance Tax, Deductibility.
17257. Inheritance Tax, Definition.

Section 7.2(a)(1)

Section 17250. Decedent's Gross Income—To Whom Taxable. The amount of all items of gross income in respect of a decedent which are not properly includible in respect of the taxable period in which falls the date of his death or a prior period shall be included in the gross income, for the taxable year when received, of:

(a) The estate of the decedent, if the right to receive the amount is acquired by the decedent's estate from the decedent;

(b) The person who, by reason of the death of the decedent, acquires the right to receive the amount, if the right to receive the amount is not acquired by the decedent's estate from the decedent; or

(c) The person who acquires from the decedent the right to receive the amount by bequest, devise, or inheritance, if the amount is received after a distribution by the decedent's estate of such right.

Section 7.2(a)(2), 1st sent.

Section 17251. Transfer of Decedent's Gross Income, Taxability of. If a right, described in Section 17250, to receive an amount is transferred by the estate of the decedent or a person who receives such right by reason of the death of the decedent or by bequest, devise, or inheritance from the decedent, there shall be included in the gross income of the estate or person, as the case may be, for the taxable period in which the transfer occurs, the fair market value of the right at the time of such transfer plus the amount by which any consideration for the transfer exceeds the fair market value.

Section 7.2(a)(2), 2d sent.

Section 17252. Transfer, Definition. As used in Section 17251, "transfer" includes sale, exchange, or other disposition, but does not include a transfer to a person pursuant to the right of that person to receive such amount by reason of the death of the decedent or by bequest, devise, or inheritance from the decedent.

Section 7.2(a)(3)

Section 17253. Decedent's Income—Nature of Right Therein. The right, described in Section 17250, to receive an amount shall be treated, in the hands of the estate of the decedent or any person who acquired such right by reason of the death of the decedent, or by bequest, devise, or inheritance from the decedent, as if it had been acquired by the estate or person in the transaction by which the decedent acquired that right. The amount includible in gross income under Sections 17250 and 17251 shall be considered in the hands of the estate or person to have the character which it would have had in the hands of the decedent if the decedent had lived and received that amount.

Section 7.2(b)(1)

Section 17254. Deductions Attributable to Decedent's Gross Income. The amount of any deduction specified in Sections 17301, 17304, 17305, and 17305.5 (relating to deductions for expenses, interest and taxes), in respect of a decedent which is not properly allowable to the decedent in respect of the taxable period in which falls the date of his death, or a prior period, shall be allowed, in the taxable year when paid, to the estate of decedent. But if the estate of the decedent is not liable to discharge the obligation to which the deduction relates, the amount of the deduction shall be allowed to the person who, by reason of the death of the decedent or by bequest,

devise, or inheritance acquires, subject to that obligation, from the decedent an interest in property of the decedent.

Section 17255. Depletion, Attributable to Decedent's Gross Income, Deductibility of. The amount of any deduction specified in Section 17314 (relating to deduction for depletion), in respect of a decedent which is not properly allowable to the decedent in respect of the taxable period in which falls the date of his death, or a prior period, shall be allowed to the person described in Section 17250 who, in the manner described therein receives the income to which the deduction relates, in the taxable year when the income is received. Section 7.2(b)(2)

Section 17256. Inheritance Tax, Deductibility. A person who includes an amount in gross income under Sections 17250 and 17251 shall be allowed, for the same taxable year, as a deduction an amount which bears the same ratio to the California inheritance tax attributable to the net value for inheritance tax purposes of all the items described in Section 17250 as the value for inheritance tax purposes of the items of gross income or portions thereof in respect of which that person included the amount in gross income (or the amount included in gross income, whichever is lower) bears to the value for inheritance tax purposes of all the items described in Section 17250. Section 7.2(c)(1)

Section 17257. Inheritance Tax, Definition. As used in Section 17256, the term "inheritance tax" means the tax imposed upon the beneficiary of the decedent under the California Inheritance Tax Act. The net value for inheritance tax purposes of all the items described in Section 17250 shall be the excess of the value for inheritance tax purposes of all the items described in Section 17250 over the deductions from the gross estate in respect of claims which represent the deductions described in Sections 17254 and 17255. The inheritance tax attributable to the net value shall be an amount equal to the excess of the inheritance tax over the inheritance tax computed without including in the gross estate the net value. Section 7.2(c)(2)

Reg. 17250-17257(a).* Inclusion in Gross Income of Income in Respect of a Decedent. The gross income for the taxable year of a decedent beginning after December 31, 1942, in which falls the date of his death, is computed upon the basis of the method of accounting followed by such decedent, even though amounts to which he is entitled as gross income are not includible under such method in computing net income for such taxable year or any prior taxable year. (See Reg. 17562(a).) Such amounts include all the accrued income of a decedent who reported his income on the basis of cash receipts and disbursements, and, in the case of a decedent who reported his income under the accrual method of accounting, such amounts include contingent items which were not accrued by the decedent and, under Reg. 17562(a), all items (except the amount of partnership income includible under Chapter 9) which were accrued in the last taxable year of the decedent solely by reason of his death. For example, if the decedent who reported income on the basis of the accrual method of accounting was a member of a partnership which kept its books on the basis of cash receipts and disbursements, the decedent would be entitled at the date of his death to his distributive share of the accrued income of the partnership, although there would be included in his gross income only his Art. 7.2-1

* This Reg. is substantially the same as Section 29.126-1, Fed. Reg. 111.

distributive share of the partnership income computed on the basis of cash receipts and disbursements. Furthermore, if his partnership agreement had provided for the sale to the other partners upon his death of his right to the partnership assets in return for a payment of a certain sum by the surviving partners to his estate, the gain on such sale, accrued solely by reason of his death, would not be included in computing his net income.

Under Section 17250, all such amounts to which a decedent is entitled as gross income and which are not includible in computing his net income for his last taxable year or any prior taxable year shall be included, when received, in the gross income of the estate of the decedent or of the person receiving such amounts if such amounts are received in a taxable year ending after December 31, 1942, by the estate of the decedent or by a person entitled to such amounts by bequest, devise, or inheritance from the decedent or by reason of the death of the decedent. These amounts are included in the income of the estate and such persons when received by them, regardless of whether or not they report income on the basis of cash receipts and disbursements.

The persons who are placed with respect to such amounts in the same position as the decedent are the decedent's estate (which in the great majority of cases will be the one who receives such amounts) and, if the estate does not collect such amounts but distributes the right to receive such amounts to the heir, next of kin, legatee, or devisee who inherited or was bequeathed or devised such right, such heir, next of kin, legatee or devisee. Thus, if the decedent who kept his books on the basis of cash receipts and disbursements was entitled at the date of his death to a large salary payment to be made in equal annual installments over five years, and his estate after collecting two installments distributed the right to the remaining installment payments to the residuary legatee of the estate, the estate must include in its gross income the two installments received by it, and the legatee must include in his gross income each of the three installments received by him.

Also placed in the same position as the decedent with respect to such amounts are those who acquire the right to such amounts by reason of the death of the decedent. An example of the application of this provision is the case of a decedent who owned a bond, with his wife as co-owner or beneficiary, and who died before the payment of such bond. The entire amount accruing on the bond and not includible in income by the decedent, not just the amount accruing after the death of the decedent, would be treated as income to his wife when the bond is paid. Another example is the case of a partner whose partnership agreement provided that upon his death his interest in certain partnership assets would pass to the surviving partners in exchange for payments to be made by them to his widow. Upon his death, the payments by the surviving partners must be included in the

Section 17165. Law in Effect for Purposes of Sections 17163 and 17164. For the purposes of Sections 17163 and 17164, "law applicable to the year" means the State act or the United States Revenue Act in force for the year in which the sale or other disposition was made. Section 7(g)(10), last par.

Section 17166. Earnings and Profits—Increase Because of 1913 Value. If any increase or decrease in the earnings or profits for any period beginning after February 28, 1913, with respect to any matter would be different had the adjusted basis of the property involved been determined without regard to its March 1, 1913, value, then, except as provided in Section 17167, an increase properly reflecting such difference shall be made in that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913. Section 7(g)(11)(A)

Section 17167. Earnings and Profits—Decrease Because of 1913 Value. If the application of Sections 17163 and 17164 to a sale or other disposition after February 28, 1913, results in a loss which is to be applied in decrease of earnings and profits for any period beginning after February 28, 1913, then, notwithstanding those sections and in lieu of the rule provided in Section 17166, the amount of the loss so to be applied shall be reduced by the amount, if any, by which the adjusted basis of the property used in determining the loss, exceeds the adjusted basis computed without regard to the value of the property on March 1, 1913, and if such amount so applied in reduction of the decrease exceeds such loss, the excess over such loss shall increase that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913. Section 7(g)(11)(B)

Reg. 17163-17167(a).* Effect on Earnings and Profits of Gain or Loss realized after February 28, 1913. In order to determine the effect on earnings and profits of gain or loss realized from the sale or other disposition (after February 28, 1913) of property by a corporation, Sections 17163-65 prescribe certain rules for the computation of the earnings and profits of the corporation for any period beginning after February 28, 1913, of most frequent application in determining the source of dividend distributions. Such rules are applicable whenever under any provision of the law it is necessary to compute the earnings and profits for any period beginning after February 28, 1913. For example, since the earnings and profits accumulated after February 28, 1913, or the earnings and profits of the taxable year, are earnings and profits for a period beginning after February 28, 1913, the determination of either must be in accordance with the rules herein prescribed for the ascertainment of earnings and profits for any period beginning after February 28, 1913. Under Sections 17163-65 there is used the adjusted basis for determining gain, giving effect to the value as of March 1, 1913, whenever applicable. The rules are the same as those governing depreciation and depletion in computing earnings and profits (see Reg. 17151(b)). The adjusted basis is subject to the limitations of the last sentence of Section 17163 requiring the use of adjustments proper in determining earnings and profits. If the application of the first sentence of Section 17163 results in a loss, then the loss will be subject to the adjustment thereto required by Section 17167. (See Reg. 17163-67(c).) Art. 7(g)-12

* This Reg. is substantially the same as Section 29.115-12, Fed. Reg. 111.

The gain or loss so realized increases or decreases the earnings and profits to, but not beyond, the extent to which such gain or loss was recognized in computing net income under the law applicable to the year in which such sale or disposition was made. The law provides that the words "law applicable to the year" shall be deemed to refer to the State law or the United States Revenue Act in force for the year in which the sale or other disposition was made. As used in Sections 17163-65 the term "recognized" has reference to that kind of realized gain or loss which is recognized for income tax purposes by the statute applicable to the year in which the gain or loss was realized, for example, see Article 2 of Chapter 6 or Section 112 of the Revenue Act of 1936. A loss (other than a wash sale loss with respect to which a deduction is disallowed under the provisions of Section 8(d) of the Bank and Corporation Franchise Tax Act or Section 7(d) of the Corporation Income Tax Act), may be recognized though not allowed as a deduction (by reason, for example, of the operation of Sections 8(d) and 9(e) of the Bank and Corporation Franchise Tax Act and corresponding provisions of laws applicable to the year in which the sale or other disposition was made), but the mere fact that it is not allowed does not prevent decrease in earnings and profits by the amount of such disallowed loss. Wash sale losses, however, disallowed under Sections 7(d) or 8(d), of the above-mentioned acts, are deemed nonrecognized losses and do not reduce earnings or profits. The "recognized" gain or less for the purpose of computing earnings and profits is determined by applying the recognition provisions to the realized gain or loss computed under the provisions of Sections 17163-65 as distinguished from the realized gain or loss used in computing net income. The application of this paragraph may be illustrated by the following examples:

Example (1): The X Corporation on January 1, 1945, owned stock in the Y Corporation which it had acquired from the Y Corporation in December, 1944, in an exchange transaction in which no gain or loss was recognized. The adjusted basis to the X Corporation of the property exchanged by it for the stock in the Y Corporation was $30,000. The fair market value of the stock in the Y Corporation when received by the X Corporation was $930,000. On April 9, 1945, the X Corporation made a cash distribution of $900,000 and, except for the possible effect of the transaction in 1944, had no earnings or profits accumulated after February 28, 1913, and had no earnings or profits for the taxable year. The amount of $900,000 representing the excess of the fair market value of the stock of the Y Corporation over the adjusted basis of the property exchanged therefor was not recognized gain to the X Corporation under the provisions of Section 20 of the Bank and Corporation Franchise Tax Act. Accordingly, the earnings and profits of the X Corporation are not

	A—With deduction of Sections 17132-35 items	B—Without deduction of Sections 17132-35 items
Gross income	$5,800	$5,800
Less: Depreciation	2,000	2,000
Remainder	$3,800	$3,800
Less: Bad debts and taxes	1,600	
Net income or (loss)	$2,200	$3,800
Personal exemption	3,000	3,000
Income subject to tax	$0	$800
Difference between incomes subject to tax		$800
Sections 17132-35 items		1,600
Difference between A and B		800
Recovery exclusion		$800

In 1946 the taxpayer recovers $400 of the property taxes. All of this recovery is excluded from income by reason of the recovery exclusion of $800 determined for the original year 1945. In 1947, he recovers all of the bad debt of $900, of which $400 is excluded from gross income. That is, the recovery exclusion of $800 determined for the original year 1945 is reduced by the $400 recovery in 1946 on account of the Sections 17132-35 items deducted for such original year.

Section 17136.1. Military Compensation. (a) Gross income also does not include the salary, wages, bonuses, allowances, and other compensation received by an individual for his services as a member of the armed forces of the United States, including any auxiliary branch thereof, or the State Guard; and Section 8-2

(b) Gross income also does not include amounts received during the taxable year as mustering-out payments with respect to service in the military or naval forces of the United States.

Reg. 17136.1. Military Compensation and Mustering-Out Pay. (1) **For Taxable Years Beginning After December 31, 1942, and Before January 1, 1945. Deduction for Military Compensation.** Any member of (a) the armed forces of the United States (including any auxiliary branch thereof) or (b) the State Guard *who is in actual service,* must include his military compensation (salary, wages, bonus allowances, etc.) as part of his gross income under Article 1 of Chapter 3 and Article 1 of Chapter 10 and Chapter 13.5. However, under Section 17136.1, he is allowed a deduction in the amount of such compensation. Art. 8.2-1

If such compensation constitutes part of the community property of the recipient and his spouse and separate returns are filed, each spouse must report half thereof and may claim a deduction for an amount equal to that reported. See Reg. 18401-04(a-b). See Regs. 18431-33(a), 18434 and 18471 for moratorium on filing of returns and payment of tax by members of the armed forces under certain conditions.

Section 17136.1 (as added in 1943) is applicable to all such compensation received or accrued on and after January 1, 1943.

(2) **For Taxable Years Beginning After December 31, 1944.** (a) **Military Compensation, Exempt.** Any member of (1) the armed forces of the United States (including any auxiliary branch thereof) or (2) the State Guard is not required to include his military compensation (salary, wages, bonus, allowances, retirement pay, terminal leave pay, etc.) as part of his gross income.

(b) **Mustering-Out Pay, Exempt.** The exclusion from gross income under Section 17136.1(b) of mustering-out payments with respect to service in the military and naval forces applies only with respect to taxable years beginning after December 31, 1944. For the purposes of such exclusion mustering-out payments are payments made to any recipients pursuant to the provisions of the Mustering-Out Payment Act of 1944.

(Chapter 3—Gross Income)

Article 3. Dividends and Other Distributions

Section

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Section 7(g)(1)

Section 17151. Dividend, Definition. "Dividend," as used in this part, means any distribution made by a corporation to its shareholders, whether in money or in other property.

(a) Out of its earnings or profits accumulated after February 28, 1913, or

(b) Out of the earnings or profits of the taxable year (computed as of the close of the taxable year without diminution by reason of any distributions made during the taxable year) without regard to the amount of the earnings and profits at the time the distribution was made.

$140 (proceeds of sale of share of additional stock) less $115.24 = $24.76, profit.

The basis for determining the gain or loss from subsequent sale of the stock in respect of which the rights were acquired is $60,975.61 ÷ 500, or $121.95 a share.

(3) If the stock in respect of which the rights are acquired was purchased at different times or at different prices and the identity of the lots can not be determined, or if the stock in respect of which the rights are acquired was purchased at different times or at different prices and the stock rights acquired in respect of such stock can not be identified as having been acquired in respect of any particular lot of such stock, the basis for determining the gain or loss from the sale or other disposition of the old shares, or the rights in cases in which the rights are sold, or from the sale or other disposition of the old or new shares in cases in which the rights are exercised, shall be ascertained in accordance with the principles laid down in Reg. 17750.

As to deductions for losses from sales or exchanges of stocks or bonds, including losses from sales or exchanges of rights to subscribe to stock, see Reg. 17306(a) and Reg. 17712.

Reg. 17101(n).* Sale of Patents and Copyrights. A taxpayer disposing of patents or copyrights by sale should determine the gain or loss arising therefrom by computing the difference between the selling price and the cost or other basis, with proper adjustment for depreciation, as provided in Regs. 17651-54, 17752, 17781-84.5 and 17785-86. Art. 7(a)-15

Reg. 17101(o). Sale of Good Will.** Gain or loss from a sale of good will results only when the business, or part of it, to which the good will attaches is sold, in which case the gain or loss will be determined by comparing the sale price with the cost or other basis of the assets, including good will. (See Regs. 17651-54, 17752, 17781-84.5 and 17785-86.) Art. 7(a)-16

Reg. 17101(p).† Sale of Real Property in Lots. If a tract of land is purchased with a view to dividing it into lots or parcels of ground to be sold as such, the cost or other basis shall be equitably apportioned to the several lots or parcels and made a matter of record on the books of the taxpayer, to the end that any gain derived from the sale of any such lots or parcels which constitute taxable income may be returned as income for the year in which the sale is made. This rule contemplates that there will be gain or loss on every lot or parcel sold, and not that the capital in the entire tract may be recovered before any taxable income shall be returned. The sale of each lot or parcel will be treated as a separate transaction, and gain or loss computed accordingly. Art. 7(a)-17

* This Reg. is the same as Section 29.22(a)-9, Fed. Reg. 111.
** This Reg. is substantially the same as Section 29.22(a)-10, Fed. Reg. 111.
† This Reg. is the same as Section 29.22(a)-11, Fed. Reg. 111.

Art. 7(a)-18 **Reg. 17101(q).* Annuities and Insurance Policies.** Annuities paid by religious, charitable, and educational corporations under an annuity contract are, in general, subject to tax to the same extent as annuities from other sources paid under similar contracts. (See Section 17124 and Reg. 17124.) An annuity charged upon devised land is taxable to the donee-annuitant for taxable years beginning before January 1, 1943, if payable only out of the rents or other income of the land, but is taxable to the donee-annuitant for taxable years beginning after December 31, 1942, to the extent it becomes payable out of the rents or other income of the land, whether or not it is a charge upon the income of the land. (See Section 17126 and Reg. 17126.) As to certain cases in which an annuity charged upon devised land is taxable in full to a spouse upon divorce or legal separation, see Sections 17104-07. In such case the devisee is not required to return as gross income the amount of rent or other income paid to the annuitant, and he is not entitled to deduct from his gross income any sums paid to the annuitant. Amounts received as a return of premiums paid under life insurance, endowment, or annuity contracts, and the so-called "dividend" of a mutual insurance company which may be credited against the current premium, are not subject to tax.

None **Reg. 17101(r). Embezzled Funds.** Embezzled funds do not constitute gross income to the embezzler since the embezzler has no claim of right to the funds and is under a definite, unconditional obligation to repay it; however, (1) if the funds are embezzled under a claim of right the funds constitute gross income to the embezzler, or (2) if the defrauded party condones or forgives the whole or some part of the unlawful appropriation the funds to the extent condoned or forgiven constitute gross income to the embezzler, or (3) if the embezzled funds are applied to the use and for the benefit of the embezzler and the embezzler realizes income therefrom the income realized constitutes gross income to the embezzler.

Where the innocent spouse has neither the dominion over the embezzled fund nor a legal right to the fund, neither the embezzled fund nor any part thereof is gross income to the innocent spouse.

Reg. 17101(s). Trust Income Taxable to the Grantor as Substantial Owner Thereof.**

(1) **Introduction.** Income of a trust is taxable to the grantor under Section 17101 although not payable to the grantor himself and not to be applied in satisfaction of his legal obligations if he has retained a control of the trust so complete that he is still in practical effect the owner of its income. In the absence of precise guides supplied by an appropriate regulation, the application of this legal doctrine to varying and diversified factual situations has led to considerable uncertainty and con-

* This Reg. is substantially the same as Section 29.22(a)-12, Fed. Reg. 111.
** This Reg. is substantially the same as Section 29.22(a)-21, Fed. Reg. 111.

fusion. The provisions of this section accordingly resolve the present difficulties of application by defining and specifying those factors which demonstrate the retention by the grantor of such complete control of the trust that he is taxable on the income therefrom under Section 17101. Such factors are set forth in general in paragraph (2) and in detail in paragraphs (3), (4) and (5), below.

(2) **In General.** In conformity with the principle stated in paragraph (1) above, the income of a trust is attributable to the grantor (except where such income is taxable to the grantor's spouse or former spouse under Sections 17104-07 or 18172.3-72.7) if—

(a) the corpus or the income therefrom will or may return after a relatively short term of years (see paragraph (3));

(b) the beneficial enjoyment of the corpus or the income therefrom is subject to a power of disposition (other than certain excepted powers), whether by revocation, alteration, or otherwise, exercisable by the grantor, or another person lacking a substantial adverse interest in such disposition, or both (see paragraph (4)); or

(c) the corpus or the income therefrom is subject to administrative control, exercisable primarily for the benefit of the grantor (see paragraph (5)).

(3) **Reversionary Interest After a Relatively Short Term.** Income of a trust is taxable to the grantor where the grantor has a reversionary interest in the corpus or the income therefrom which will or may reasonably be expected to take effect in possession or enjoyment—

(a) within 10 years commencing with the date of the transfer, or

(b) within 15 years commencing with the date of the transfer if the income is or may be payable to a beneficiary other than a donee described in Section 17315 and if any one or more of the following powers of administration over the trust corpus or income are exercisable solely by the grantor, or spouse living with the grantor, or both, whether or not exercisable as trustee; a power to vote or direct the voting of stock or other securities, a power to control the investment of the trust funds either by directing investments or reinvestments or by vetoing proposed investments or reinvestments, and a power to reacquire the trust corpus by substituting other property, whether or not of an equivalent value.

Where the grantor's reversionary interest is to take effect in possession or enjoyment by reason of some event other than the expiration of a specific term of years, the trust income is nevertheless attributable to him if such event is the practical equivalent of the expiration of a period less than or equal to 10 or 15

years, as the case may be. For example, a grantor is taxable on the income of a trust if—

(i) the corpus is to return to him or his estate on the death of a person whose life expectancy is six years at the date of the transfer in trust; or

(ii) the corpus is to return to him or his estate on the graduation from college or prior death of his son, who is 18 years of age at the date of the transfer in trust.

In general, a reversionary interest may reasonably be expected to take effect in possession or enjoyment within 10 or 15 years, as the case may be, where the corpus or the income therefrom is to be reacquired if the grantor survives any stated contingency which is of an insubstantial character. Thus, the grantor is taxable where the trust income is to be paid to the grantor's wife for three years, and the corpus is then to be returned to the grantor if he survives such period, or to be paid to the grantor's wife if he is already deceased.

Any postponement of the date specified for the reacquisition of possession or enjoyment of the reversionary interest is considered a new transfer in trust commencing with the date on which the postponement is effected and terminating with the date prescribed by the postponement. But income for any period shall not be taxable to the grantor by reason of the preceding sentence if such income would not be taxable to him in the absence of such postponement.

Example. A places property in trust for the benefit of his son B. Upon the expiration of 12 years or the earlier death of B the property is to be paid over to A or his estate. Neither A nor his wife has any power of administration over the trust corpus or income. After the expiration of nine years A extends the term of the trust for an additional two years. A is considered to have made a new transfer in trust for a term of five years. He is not taxable on the income for the first three years of such term because he would not be taxable thereon if the term of the trust had not been extended. A is taxable, however, on the income for the remaining two years.

(4) **Power to Determine or Control Beneficial Enjoyment of Income or Corpus.** Income of a trust is taxable to the grantor where, whatever the duration of the trust, the beneficial enjoyment of the corpus or the income therefrom is subject to a power of disposition (except as provided in Section 18173.1 and as hereafter provided in exceptions (a) to (e), inclusive), whether by revocation, alteration, or otherwise, exercisable (in any capacity and regardless of whether such exercise is subject to a precedent giving of notice or is limited to some future date) by the grantor, or any person not having a substantial adverse interest in the beneficial enjoyment of the corpus or income,

whichever is subject to the power, or both. The grantor is not taxable, however, if the power, whether exercisable with respect to corpus or income, may only affect the beneficial enjoyment of the income for a period commencing more than 10 years from the date of the transfer (or 15 years where any power of administration specified in paragraph (3) is exercisable solely by the grantor, or spouse living with the grantor, or both, whether or not as trustee). For example, if a trust created on January 1, 1940, provides for the payment of income to the grantor's wife, and the grantor does not reserve any such administrative power but reserves the power to substitute other beneficiaries in lieu of his wife on or after January 1, 1950, the grantor is not taxable on the trust income for the period prior to January 1, 1950. But the income will be attributable to the grantor for the period beginning on such date unless the power is relinquished. If the beginning of such period is postponed, such postponement is considered a new transfer in trust commencing with the date on which the postponement is effected and terminating with the date prescribed by the postponement. But income for any period shall not be taxable to the grantor by reason of the preceding sentence if such income would not be taxable to him in the absence of such postponement. Where the income affected by the power is for a period beginning by reason of some event other than the expiration of a specific term of years, the grantor will be taxable if such event is the practical equivalent of the expiration of a period less than or equal to 10 or 15 years, as the case may be, in accordance with the criteria stated in paragraph (3).

This paragraph shall not apply to any one or more of the following excepted powers:

(a) a power exercisable only by will, other than a power in the grantor to appoint the income of the trust where the income is accumulated for such disposition by the grantor, or may be so accumulated in the discretion of the grantor, or any person not having a substantial adverse interest in the disposition of such income, or both. For example, if a trust provides that the income is to be accumulated during the grantor's life and that the grantor may appoint the accumulated income by will, the grantor is taxable on the trust income;

(b) a power to determine the beneficial enjoyment of the corpus or the income therefrom if such corpus or income, as the case may be, is irrevocably payable for the purposes and in the manner specified in Section 17315;

(c) a power which merely enables the grantor or another person to distribute or apply income to or for a current income beneficiary or to accumulate such income for him, provided that any accumulated income must ultimately be payable to the beneficiary from whom distribution or application is withheld, or, if payable upon the complete termination of the trust or in

conjunction with a distribution of corpus which distribution is augmented by such accumulated income, is ultimately payable to the current income beneficiaries in shares which have been irrevocably specified in the trust instrument. Accumulated income shall be considered so payable although it is provided that if any beneficiary does not survive the date of distribution, the share of such deceased beneficiary is to be paid to a designated alternate taker, other than the grantor or his estate, if such date may reasonably be expected to occur within the beneficiary's lifetime, and if the share of such alternate taker has been irrevocably specified in the trust instrument;

(d) a power which merely enables the grantor or another person to pay out corpus to or for a current income beneficiary, provided that any such payment of corpus must be chargeable against the proportionate share of corpus held in trust for the payment of income to such beneficiary as if such corpus constituted a separate trust, or provided that the power is limited by some reasonably definite external standard. For the requirements of such standard, see exception (e);

(e) a power to apportion income (whether by distribution or accumulation) to or within a class of beneficiaries if such power is exercisable exclusively by a trustee other than the grantor or spouse living with the grantor and its exercise is not subject to the approval or consent of any person other than such trustee and is limited by some reasonably definite external standard. Such standard must be set forth in the trust instrument, must consist of the needs and circumstances of the beneficiaries within the class, and must be susceptible of enforcement by a court of equity. For example, a provision authorizing the payment of income to members of a class in such amounts as the trustee shall determine wise and proper in the exercise of his honest discretion, or in such amounts as the trustee determines to be in the best interests of the beneficiaries, does not meet the requirements of the external standard contemplated by this exception. Nor does a power to appoint within a class of beneficiaries fall within this exception if the trustee is enabled to add to or eliminate from the class of beneficiaries designated to receive the income except in so far as provision may be made for after-born children.

The application of this exception may be illustrated by the following examples, in which it is assumed that the trustee is neither the grantor nor his wife:

Example (1). A transfers property to X as trustee to pay the income in equal shares to B, C, and D, the grantor's three sisters. In any year, however, X may distribute to any one sister an amount not to exceed 60 per cent of the income for that year, provided that the needs of such sister in the particular year, due to illness or poor financial circumstances, are proportionately greater than those of the other sisters.

The income of the trust is not taxable to the grantor by reason of such limited power in the trustee. Such income, however, would be taxable if the exercise by X of his power of distribution were not dependent upon the needs of the sisters.

Example (2). A transfers property to X as trustee to pay to A's wife such part of the income as X may consider wise and proper for the comfort and happiness of the wife and to pay the balance of the income to A's son. The income is taxable to the grantor since the power to apportion income is not limited by any reasonably definite external standard.

A mere power to allocate receipts as between corpus and income, even though expressed in broad language, is not deemed a power over beneficial enjoyment with respect to income or corpus.

(5) **Administrative Control.** Income of a trust, whatever its duration, is taxable to the grantor where, under the terms of the trust or the circumstances attendant on its operation, administrative control is exercisable primarily for the benefit of the grantor rather than the beneficiaries of the trust. Administrative control is exercisable primarily for the benefit of the grantor where—

(a) a power exercisable by the grantor, or any person lacking a substantial adverse interest in its exercise, or both, whether or not in the capacity of trustee, enables the grantor or any person to purchase, exchange, or otherwise deal with or dispose of the corpus or the income therefrom for less than an adequate and full consideration in money or money's worth; or

(b) a power exercisable by the grantor, or spouse living with the grantor, or both, whether or not in the capacity of trustee, or exercisable by any other person in a nonfiduciary capacity, or by such person and either of the foregoing, or both, enables the grantor to borrow such corpus or income, directly or indirectly, whether with or without adequate security or interest; or

(c) a power exercisable in a fiduciary capacity by a person other than the grantor or spouse living with the grantor enables the grantor to borrow such corpus or income, directly or indirectly, and such power has been exercised and the grantor has not completely repaid the loan, including any interest, before the beginning of the taxable year; or

(d) any one of the following powers of administration over the trust corpus or income is exercisable by any person in a nonfiduciary capacity: a power to vote or direct the voting of stock or other securities, a power to control the investment of the trust funds either by directing investments or reinvestments or by vetoing proposed investments or reinvestments, and a power to reacquire the trust corpus by substituting other property, whether or not of an equivalent value.

If a power is exercisable by a person as trustee, it is presumed that the power is exercisable in a fiduciary capacity primarily in the interests of the beneficiaries. Such presumption may be rebutted only by clear and convincing proof that the power is not exercisable primarily in the interests of the beneficiaries. If a power is not exercisable by a person as trustee, it is presumed that the power is exercisable in a nonfiduciary capacity. But such presumption may be rebutted if it appears, from all the terms of the trust and the circumstances surrounding its creation and administration, that the power is exercisable primarily in the interests of the beneficiaries.

The mere fact that a power exercisable by the trustee is described in broad language does not indicate that the trustee is authorized to purchase, exchange, or otherwise deal with or dispose of the trust property or income for less than an adequate and full consideration in money or money's worth. On the other hand, such authority may be indicated by the actual administration of the trust.

(6) **Limitations.** Despite the limitations of this regulation, the grantor of a trust directing the payment or application of the income therefrom in satisfaction of the grantor's legal obligations shall continue to be taxable on the income. The grantor may also be taxable on the income of a trust on the ground that such income is attributable to him in a capacity unrelated to dominion and control over the trust as such as defined in paragraphs (3), (4) and (5). Thus, the provisions of this regulation do not affect the principles governing the taxability of future income to the assignor thereof whether or not the assignment is by means of a trust. Nor, for example, do the provisions of this regulation affect the applicability of Section 17101 to the creator of a family partnership. See further Sections 18171 and 18172.

Reg. 17101(t).* Trust Income Taxable to Person Other than Grantor. Where a person other than the grantor of property transferred in trust has a power exercisable solely by himself to vest the corpus or the income therefrom in himself, the income therefrom shall be included in computing the net income of such person. Even though such a power has been partially released or otherwise modified so that the person holding it can no longer vest the corpus or the income of the trust in himself, the income shall continue to be taxable to such person if, after such release or modification, he has retained such control of the trust as would, within the principles of Reg. 17101(s) subject a grantor of such a trust to tax on the income thereof. This regulation shall not apply with respect to a power over income, as originally granted or thereafter modified, if the grantor is otherwise taxable under Reg. 17101(s). See also Reg. 18171.

* This Reg. is substantially the same as Sec. 29.22(a)-22, Fed. Reg. 111.

Section 17102. Gross Income of Governmental Employees. Gross income also includes any salary, wages, or compensation of any officer or employee of this State, or of any political subdivision, district, or municipality of this State, and any compensation of officers and employees of the United States or agencies or instrumentalities of the United States to the extent the collection of State taxes thereon is not prohibited by the terms of the "Public Salary Tax Act of 1939" (it being hereby declared to be the policy of this State to comply with the provisions of that act), and all other gains, profits, and income which the State may now or hereafter constitutionally tax. Section 7(a) last 8 lines

Reg. 17102. Salaries of Governmental Employees. Salaries of officers and other employees of this State or of political subdivisions thereof are taxable. The fact that all or some portion of such salaries are paid out of funds derived from the United States does not exempt the salaries from the tax. Art. 7(a)-3

The salaries of Federal officers and employees, including all judges of courts of the United States irrespective of when they took office are subject to tax.

Section 17103. Presumption of Taxability. Where property is acquired in a transaction purporting to be a purchase or an exchange (including transactions described in Article 2 of Chapter 6 of this part, relating to the nonrecognition of gain, but excluding foreclosures or repossessions of properties held for security), and the value thereof is substantially in excess of the value of the money or property surrendered or agreed to be surrendered as a condition of such acquisition, the excess value shall be considered ordinary income taxable under this part unless it can be established (a) that the sole consideration for the acquisition of the property was the money or property surrendered or agreed to be surrendered, or (b) that the excess value was a gift, or (c) that for some other reason the excess value does not constitute income or the gain represented thereby is not recognized. Section 7(l)

Reg. 17103. Presumption of Taxability. Section 17103 provides that where property is acquired by the taxpayer in any transaction except a foreclosure or repossession of property and the value of the property is substantially greater than the consideration given or agreed to be given for the acquisition, the amount by which the value of the property exceeds the consideration shall be presumed to be taxable income. The burden is placed on the taxpayer to establish that that excess value is not income for any of the following reasons: Art. 7(l)-1

(1) Because the sole consideration for the acquisition of the property was the money or property exchanged, or agreed to be exchanged, therefor; or

(2) Because the excess value was a gift; or

(3) Because for some other reason the excess value does not constitute income or represents gain which is not recognized by the law.

Income taxed under this provision shall be taxed as ordinary income and not in the manner provided in Article 3 of Chapter 6 for capital gain.

Section 7(k), 1st sent.

Section 17104. Alimony—Periodic Payments. In the case of a wife who is divorced or legally separated from her husband under a decree of divorce or of separate maintenance, periodic payments (whether or not made at regular intervals) received subsequent to such decree in discharge of, or attributable to property transferred (in trust or otherwise) in discharge of, a legal obligation which, because of the marital or family relationship, is imposed upon or incurred by such husband under such decree or under a written instrument incident to such divorce or separation shall be includible in the gross income of such wife. Such amounts received as are attributable to property so transferred shall not be includible in the gross income of such husband.

Section 7(k), 2d, 3d sents.

Section 17105. Minors' Support. Section 17104 shall not apply to that part of any periodic payment which the terms of the decree or written instrument fix, in terms of an amount of money or a portion of the payment, as a sum which is payable for the support of minor children of the husband. In case any periodic payment is less than the amount specified in the decree or written instrument, that payment, to the extent of the sum payable for support, shall be considered a payment for such support.

Section 7(k), part of 4th sent.

Section 17106. Alimony Installment Payments of Less Than 10 Years. Installment payments discharging a part of an obligation the principal sum of which is, in terms of money or property, specified in the decree or instrument shall not be considered periodic payments for the purposes of Sections 17104 and 17105.

Section 7(k), part of 4th and all of 5th sents.

Section 17107. Alimony Installment Payments of More Than 10 Years. An installment payment shall be considered a periodic payment for the purposes of Sections 17104 and 17105 if the principal sum, by the terms of the decree or instrument, may be or is to be paid within a period ending more than 10 years from the date of such decree or instrument. But it shall be considered a periodic payment only to the extent that the installment payment for the taxable year of the wife (or if more than one installment payment for the taxable year is received during the taxable year, the aggregate of these installment payments) does not exceed 10 per cent of the principal sum. For the purposes of Section 17106 and this section, the portion of a payment of the principal sum which is allocable to a period after the taxable year of the wife in which it is received shall be considered an installment payment for the taxable year in which it is received.

Art. 7(k)-1

Reg. 17104-17107.* Alimony and Separate Maintenance Payments—Income to Former Wife. (1) **In General.** Sections 17104-07 provide rules for treatment in certain cases of payments in the nature of or in lieu of alimony or an allowance for support as between spouses who are divorced or legally separated under a court order or decree. For convenience, the payee spouse will hereafter in this section of the regulations be referred to as the "wife" and the spouse from whom she is divorced or legally separated as the "husband." (See Section 17019.3.)

In general, Sections 17104-07 require the inclusion in the gross income of the wife of periodic payments (whether or not made at regular intervals) received by her after the decree of divorce or of separate maintenance. Such periodic payments may be received from either of the two following sources:

(a) In discharge of a legal obligation which, because of the marital or family relationship, is imposed upon or incurred by the husband, or

* This Reg. is substantially the same as Section 29.22(k)-1, Fed. Reg. 111.

The amount of the tax attributable to such back pay in each taxable year is the difference between the tax for such taxable year computed with the inclusion in gross income of the portion of such back pay attributable to such taxable year and the tax for such taxable year computed without including any part of such back pay in gross income.

The tax for the current taxable year is (1) the tax computed with the inclusion in gross income of the entire back pay received or accrued in the taxable year, or (2) the tax computed without including any such back pay in gross income for the current taxable year, plus the aggregate of the increases in the taxes which would have resulted from the inclusion of the respective portions of such back pay in gross income for each taxable year to which each such portion is respectively attributable, whichever is the smaller.

Sections 17058 and 17059 generally will not afford any relief for taxpayers with adjusted gross incomes of less than $5,000 for the taxable years 1945 and 1946. This is true because the personal exemption for 1945 and 1946 is much higher than such exemption for prior years and the rate for these years is lower than the rate for prior years.

However, if a taxpayer has a large income with considerable "back pay" he will receive a definite benefit by the application of these sections.

CHAPTER 3. GROSS INCOME

Article 1. Items Includible

Section

17101. Definition of Gross Income.
17102. Gross Income of Governmental Employees.
17103. Presumption of Taxability.
17104. Alimony—Periodic Payments.
17105. Minors' Support.
17106. Alimony Installment Payments of Less Than 10 Years.
17107. Alimony Installment Payments of More Than 10 Years.
17108. Definition of "Adjusted" Gross Income.

Section 17101. Definition of Gross Income. Gross income includes gains, profits, and income derived from salaries, wages, or compensation for personal service, of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce, or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in such property; also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits and income derived from any source whatever. Section 7(a) 1st 8 lines

Reg. 17101(a).* What Included in Gross Income. Gross income includes in general compensation for personal and professional services, business income, profits from sales of and dealings in property, interest, rent, dividends, and gains, profits, and income derived from any source whatever, unless exempt Art. 7(a)-1

* This Reg. is substantially the same as Section 29.22(a)-1, Fed. Reg. 111.

from tax by law. (See Article 2 of Chapter 3.) In general, income is the gain derived from capital, from labor, or from both combined, provided it be understood to include profit gained through a sale or conversion of capital assets. Income may be in the form of cash or of property. As to dividends, whether in cash or in property, see Article 3 of Chapter 3. As to recoveries of bad debts, see Section 17132.

If property is transferred by a corporation to a shareholder, for an amount less than its fair market value, regardless of whether the transfer is in the form of a sale or exchange, such shareholder shall include in gross income the difference between the amount paid for the property and the amount of its fair market value to the extent that such difference is in the nature of a distribution of earnings or profits taxable as a dividend. In computing the gain or loss from the subsequent sale of such property its basis shall be the amount paid for the property, increased by the amount of such difference included in gross income. This paragraph does not apply, however, to the issuance by a corporation to its shareholders of the right to subscribe to its stock, as to which see Reg. 17101(m).

If property is transferred by an employer to an employee for an amount less than its fair market value, regardless of whether the transfer is in the form of a sale or exchange, the difference between the amount paid for the property and the amount of its fair market value is in the nature of compensation and shall be included in the gross income of the employee. In computing the gain or loss from the subsequent sale of such property its basis shall be the amount paid for the property, increased by the amount of such difference included in gross income.

The fact that a dividend is declared shortly after the sale of corporate stock and the sale price is influenced by the expectation of the payment of a dividend, does not make such dividend when paid taxable to the vendor as a dividend. The amount advanced by the vendee to the vendor in contemplation of the next dividend payment is an investment of capital and may not be claimed as a deduction from gross income. As to the determination of gain or loss from the sale or other disposition of property, see Chapter 6. As to income upon a recovery of war losses, see Article 1.7 of Chapter 4.

Art. 7(a)-2 **Reg. 17101(b).* Compensation for Personal Services.** Commissions paid salesmen, compensation for services on the basis of a percentage of profits, commissions on insurance premiums, tips, and pensions or retiring allowances paid by private persons or by the United States are income to the recipients; as are also marriage fees, baptismal offerings, sums paid for saying masses for the dead, and other contributions received by a clergyman, evangelist, or religious worker for services rendered.

* This Reg. is substantially the same as Section 29.22(a)-2, Fed. Reg. 111.

Section 17020. Part 10, Applicable Date. This part applies to the net income of taxpayers received or accrued on or after January 1, 1935. Section 36

CHAPTER 2. IMPOSITION OF TAX

Section

17051. "Net Income."
17052. Permanent Rates and Income Brackets.
17053. Tax Not a Surtax.
17053.5. Optional Tax.
17054. Compensation for Services Rendered for a Period of 36 Months or More.
17055. Definition of Artistic Work or Inventions.
17056. Compensation for Artistic Work or Inventions Covering 36 Months or More.
17057. Definition of Month.
17058. Back Pay.
17059. Definition of Back Pay.

Section 17051. "Net Income." "Net income" means the gross income computed under Chapter 3 of this part less the deductions allowed by Chapter 4 of this part. Section 6

Reg. 17051.* Net Income. The tax imposed by the law is upon income. Neither income exempted by statute or fundamental law, nor expenses incurred in connection therewith enter into the computation of net income as defined by Section 17051. (See Section 17351(e).) In the computation of the tax various classes of income must be considered: Art. 6-1

(1) Income (in the broad sense), meaning all wealth which flows in to the taxpayer other than as a mere return of capital. It includes the forms of income specifically described as gains and profits, including gains derived from the sale or other disposition of capital assets. Cash receipts alone do not always accurately reflect income; for the law recognizes as income-determining factors other items, among which are inventories, accounts receivable, property exhaustion, and accounts payable for expenses incurred. (See Chapters 3, 3.5, 4 and Article 3 of Chapter 6.)

(2) Gross income, meaning income (in the broad sense) less income which is by statutory provision or otherwise exempt from the tax imposed by the law. (See Chapter 3.)

(3) Net income, meaning gross income less statutory deductions. The statutory deductions are in general, though not exclusively, expenditures, other than capital expenditures, connected with the production of income. (See Chapter 4.)

(4) Net income less credits. (See Article 1 of Chapter 7 and Chapter 13.5.)

The tax imposed on individuals is computed upon net income less certain credits. Although taxable net income is a statutory conception, it follows, subject to certain modifications as to

* This Reg. is substantially the same as Section 29.21-1, Fed. Reg. 111.

exemptions and as to deductions for partial losses in some cases, the lines of commercial usage. Subject to these modifications statutory net income is commercial net income. This appears from the fact that ordinarily it is to be computed in accordance with the method of accounting regularly employed in keeping the books of the taxpayer. (See Article 4 of Chapter 5.)

Section 5

Section 17052. Permanent Rates and Income Brackets. There shall be levied, collected, and paid for each taxable year upon the entire net income of every resident of this State and upon the entire net income of every nonresident which is derived from sources within this State, taxes in the following amounts and at the following rates upon the amount of net income in excess of credits against net income provided in Article 1 of Chapter 7 of this part:

Upon net incomes not in excess of five thousand dollars ($5,000), 1 per cent of such net incomes.

Fifty dollars ($50) upon net incomes of five thousand dollars ($5,000); and upon net incomes in excess of five thousand dollars ($5,000) and not in excess of ten thousand dollars ($10,000), 2 per cent in addition of such excess.

One hundred fifty dollars ($150) upon net incomes of ten thousand dollars ($10,000); and upon net incomes in excess of ten thousand dollars ($10,000) and not in excess of fifteen thousand dollars ($15,000), 3 per cent in addition of such excess.

Three hundred dollars ($300) upon net incomes of fifteen thousand dollars ($15,000); and upon net incomes in excess of fifteen thousand dollars ($15,000) and not in excess of twenty thousand dollars ($20,000), 4 per cent in addition of such excess.

Five hundred dollars ($500) upon net incomes of twenty thousand dollars ($20,000); and upon net incomes in excess of twenty thousand dollars ($20,000) and not in excess of twenty-five thousand dollars ($25,000), 5 per cent in addition of such excess.

Seven hundred fifty dollars ($750) upon net incomes of twenty-five thousand dollars ($25,000); and upon net incomes in excess of twenty-five thousand dollars ($25,000), 6 per cent in addition of such excess.

NOTE.—For taxable years beginning after December 31, 1942, and prior to January 1, 1947 see Chapter 13.5. For computation of tax under optional method, see Reg. 17053.5.

Art. 5-1

Reg. 17052. Computation of Tax. In the case of residents (see Section 17013), the tax should be computed on net income (see Section 17051) in excess of the personal exemptions and credit for dependents allowed by Article 1 of Chapter 7. In the case of nonresidents (see Section 17014), the tax applies to the net income from sources within this State (see Reg. 17211-14 (a-f)), in excess of such exemptions and credits.

Section 14(a)

Section 17053. Tax Not a Surtax. The tax imposed by this part is not a surtax.

Section 5.1

Section 17053.5. Optional Tax. (a) With respect to taxable years beginning after December 31, 1944, and before January 1, 1947, in lieu of the tax imposed under Section 17052, as limited by Sections 19200 and 19201.5 of this code, there shall be levied, collected and paid for each taxable year upon the net income of each individual whose adjusted gross income for such year is less than five thousand dollars ($5,000) and who has elected to pay the tax imposed by this section for such year, the tax shown in the following table:

If the adjusted gross income is over—	But not over—	The tax shall be— Single person (not head of family)	Married person making separate return	(1) Married person whose spouse has no gross income, or (2) married person making joint return, or (3) head of family
$2,200	$2,250	$0	$0	$0
2,250	2,300	0	0	0
2,300	2,350	0	0	0
2,350	2,400	0	0	0
2,400	2,450	0	0	0
2,450	2,500	0	.77	0
2,500	2,550	0	1.24	0
2,550	2,600	0	1.71	0
2,600	2,650	0	2.18	0
2,650	2,700	0	2.65	0
2,700	2,750	0	3.12	0
2,750	2,800	0	3.59	0
2,800	2,850	0	4.06	0
2,850	2,900	0	4.53	0
2,900	2,950	0	5.00	0
2,950	3,000	0	5.47	0
3,000	3,050	0	5.94	0
3,050	3,100	0	6.41	0
3,100	3,150	0	6.88	0
3,150	3,200	0	7.35	0
3,200	3,250	0	7.82	0
3,250	3,300	.79	8.29	0
3,300	3,350	1.26	8.76	0
3,350	3,400	1.73	9.23	0
3,400	3,450	2.20	9.70	0
3,450	3,500	2.67	10.17	0
3,500	3,550	3.14	10.64	0
3,550	3,600	3.61	11.11	0
3,600	3,650	4.08	11.58	0
3,650	3,700	4.55	12.05	0
3,700	3,750	5.02	12.52	0
3,750	3,800	5.49	12.99	0
3,800	3,850	5.96	13.46	0
3,850	3,900	6.43	13.93	0
3,900	3,950	6.90	14.40	0
3,950	4,000	7.37	14.87	0
4,000	4,050	7.84	15.34	0
4,050	4,100	8.31	15.81	0
4,100	4,150	8.78	16.28	0
4,150	4,200	9.25	16.75	0
4,200	4,250	9.72	17.22	0
4,250	4,300	10.19	17.69	0
4,300	4,350	10.66	18.16	0
4,350	4,400	11.13	18.63	0
4,400	4,450	11.60	19.10	0
4,450	4,500	12.07	19.57	0
4,500	4,550	12.54	20.04	0
4,550	4,600	13.01	20.51	0
4,600	4,650	13.48	20.98	0
4,650	4,700	13.95	21.45	0
4,700	4,750	14.42	21.92	0
4,750	4,800	14.89	22.39	0
4,800	4,850	15.36	22.86	0
4,850	4,900	15.83	23.33	.83
4,900	4,950	16.30	23.27	1.30
4,950	4,999.99	16.77	24.27	1.77

In applying the above schedule to determine the tax of a taxpayer with one or more dependents, there shall be subtracted from his adjusted gross income four hundred dollars ($400) for each such dependent.

(b) For the purpose of this section—

(1) "Married person" means a married person on the last day of the taxable year, unless his spouse dies during the taxable year, in which case such determination shall be made as of the date of the spouse's death.

(2) "Dependent" means a person who is a dependent under Section 17952.

(3) An individual not a head of a family or a married person shall be treated as a single person.

(4) "Head of family" means a head of family on the last day of the taxable year, unless such person dies during the taxable year, in which case such determination shall be made as of the date of death.

(c) This section shall not apply to an estate or trust, an individual filing a return for a period of less than 12 months on account of a change in the accounting period, or to a married individual whose spouse files a return at any time during the taxable year and computes the tax without regard to this section.

Art. 5.1-1 **Reg. 17053.5(a). Optional Method of Filing Return; Scope and Application of Section 17053.5.** (1) **For Taxable Years Beginning After December 31, 1942, and Prior to January 1, 1945.** For taxable years beginning after December 31, 1942, and prior to January 1, 1945, in lieu of the tax imposed under Section 17052, an individual who makes his return on a cash basis may elect to pay the tax imposed under Section 17053.5, if his gross income does not exceed $5,000, and if his gross income consists wholly of one or more of the following: Salary, wages, compensation for personal services, dividends, interest, or annuities. For the purposes of the $5,000 limitation, the amount of an individual's gross income shall be determined without substracting any amount on account of such individual's dependents. For example, A, a single person who is not the head of a family, has a gross income, consisting of salary, of $5,200 for 1943. He has two dependents. For the purpose of the $5,000 limitation, his gross income is $5,200, and consequently he may not compute his tax under Section 17053.5. An individual deriving any other kind of income, such as income from the conduct of a business or from a trust of which he is a beneficiary, or gains from the sale or exchange of property may not compute his tax under Section 17053.5. If an individual derives income from a partnership of which he is a member or from a trust of which he is a beneficiary, and the partnership or trust previously derived the income distributed to him from,

for example, interest, he will be considered to have received income from a partnership or trust, rather than from interest, and consequently will not be entitled to compute his tax under Section 17053.5.

A husband and wife living together on July 1 of the taxable year may file separate returns on Form 540B, if the gross income of each is from the prescribed sources and does not exceed $5,000, or they may file a single joint return on such form if their combined gross income is from the prescribed sources and does not exceed $5,000. A married person living with husband or wife at any time during the calendar year may not compute the tax under Section 17053.5 if the other spouse makes an income tax return without regard to such section.

If an individual dies before the close of the calendar year, his tax may not be determined under Section 17053.5. Nor may the tax of the surviving spouse of an individual who has gross income and who dies before the close of the calendar year be determined under Section 17053.5.

In order to determine the amount of his tax an individual merely ascertains the amount of his gross income, subtracts $400 for each dependent for whom a credit is allowable and refers to the schedule set forth in Section 17053.5 to find the amount of his tax. If the taxpayer is the head of a family only by reason of his having one or more dependents, he may subtract from his gross income $400 for all except one of such dependents (see Example (4) in Reg. 17053.5(b)). If the taxpayer is a single person who is not the head of a family, his tax is set forth in the third column of the schedule. If the taxpayer is a married person making a separate return (but not including a taxpayer whose spouse makes a return without regard to Section 17053.5), the tax is set forth in the fourth column of the schedule. If the taxpayer is (1) a married person whose spouse has no gross income, (2) a married person making a joint return, or (3) the head of a family, the tax is set forth in the fifth column of the schedule. Under the schedule no tax is imposed upon a single person whose gross income (less credit for dependents) does not exceed $2,150, or upon a married person making a separate return whose gross income (less credit for dependents) does not exceed $1,900, or upon (1) a married person whose spouse has no gross income, (2) a married person making a joint return, or (3) the head of a family whose gross income (less credit for dependents) does not exceed $3,750.

(2) **Taxable Years Beginning After December 31, 1944, and Prior to January 1, 1947.** For taxable years beginning after December 31, 1944, and prior to January 1, 1947, in lieu of the taxes imposed under Section 17052, an individual may elect to pay the tax imposed by Section 17053.5 if his adjusted

gross income is less than $5,000, regardless of the sources from which income is derived and regardless of whether such income is computed on the cash basis or on the accrual basis. The application of this paragraph may be illustrated by the following example:

Example: A is employed at a salary of $4,600 for the calendar year 1945. In addition to his salary he received $750 as reimbursement for expenses incurred in the course of his employment during the calendar year. Such items constitute his sole income for 1945. In such case the gross income is $5,350 but the amount of $750 is deducted from gross income in the determination of adjusted gross income and thus A's adjusted gross income for 1945 is $4,600. Hence, the adjusted gross income being less than $5,000, he may elect to pay his tax for 1945 under Section 17053.5. Similarly, in the case of an individual engaged in a trade or business (excluding from the term "engaged in a trade or business" the performance of personal services as an employee) there may be deducted from gross income in ascertaining adjusted gross income those expenses directly relating to the carrying on of such trade or business.

For the purposes of determining whether a taxpayer may elect to pay the tax under Section 17053.5 for taxable years beginning after December 31, 1944, and prior to January 1, 1947, the amount of the adjusted gross income, without reference to the number of credits for dependents to which the taxpayer may be entitled, is controlling. Thus, for example, if X has, for 1945 as his only income, a salary of $5,300 and has one dependent, then X's adjusted gross income is $5,300 and he is not, for such year, entitled to pay his tax under Section 17053.5. If, however, X has for 1945 a salary of $6,000 and incident to his employment he incurs expenses in the amount of $1,200 for travel, meals, and lodging while away from home, the adjusted gross income is $6,000 minus $1,200, or $4,800. In such case his adjusted gross income being less than $5,000, X may elect to pay the tax under Section 17053.5.

In the case of husband and wife filing separate returns, the tax may be computed under Section 17053.5 provided the adjusted gross income of each is less than $5,000, and provided further both elect to pay the tax in accordance with such section. If, however, one spouse has adjusted gross income of $5,000 or more and the other spouse has adjusted gross income of less than $5,000, neither spouse may elect to pay the tax under Section 17053.5.

These restrictions upon the right of a married person to elect to pay the tax under Section 17053.5 are applicable only if such person is married on the last day of his taxable year or in the event of the death of his spouse during the taxable year, upon the date of such death. For rules relative to the application of these restrictions, see Reg. 17325-29.

To determine the amount of his tax for a taxable year beginning after December 31, 1944, the individual ascertains the amount of his adjusted gross income and subtracts therefrom his credit for dependents and refers to the schedule set forth in Section 17053.5 to ascertain the income bracket into which such amount falls and then finds the tax in the vertical column having at the top thereof a reference to his status.

For taxable years beginning after December 31, 1944, the fact that the taxable year is a period of less than 12 months resulting by reason of the death of the taxpayer does not prevent the application of Section 17053.5 in the determination of the tax for such period.

Reg. 17053.5(b). Rules for Application of Schedule in Section 17053.5. (1) **For Taxable Years Beginning After December 31, 1942, and Prior to January 1, 1945.** The determination of whether a taxpayer is a single person, a married person, or the head of a family, or whether he has a dependent, is to be made as of July 1 of such taxpayer's taxable year. Art. 5.1-2

Example (1): For the calendar year 1943, A, an unmarried person, has a gross income of $2,832 derived wholly from salary and interest. During the first five months of 1943, A's status is that of head of a family, but on July 1, 1943, his status is that of a single person not the head of a family. To determine the tax imposed upon him for the calendar year 1943 under Section 17053.5, A refers to column 3 of the schedule (applicable to a single person who is not the head of a family) and finds that the tax imposed upon a taxpayer whose gross income falls within the bracket running from $2,800 to $2,850 is $6.56. Since $2,832 is within this bracket, A's tax is $6.56.

Example (2): For the calendar year 1943, B has a gross income of $3,312, derived wholly from salary, and C, his wife, has gross income of $3,000, derived wholly from wages, in both cases earned while married and living together. On July 1, 1943, they are living together and B is supporting two dependent children, both of whom are under the age of 18. B and C file separate returns under Section 17053.5. To determine his tax for the calendar year 1943, B substracts $800 from $3,156 (one-half of the combined income which is community property), refers to column 4 of the schedule (applicable to married person making separate return), and

finds that the tax imposed upon a taxpayer whose gross income falls within the bracket running from $2,350 to $2,400 is $4.83. Since $2,356 ($3,156 minus $800) is within this bracket, B's tax is $4.83. To determine her tax for such year, C refers to column 4 of the schedule (applicable to married person making separate return) and finds that the tax imposed upon a taxpayer whose gross income falls within the bracket running from $3,150 to $3,200 is $12.35. Since $3,156 is within this bracket, C's tax is $12.35. Under such facts, B and C cannot file a joint return on Form 540B.

Example (3): For the calendar year 1943, D (domiciled in California) has a gross income of $3,860, derived wholly from wages. He was married on April 1, 1943, and he and his wife were living together on July 1, 1943. He has no dependents. His wife dies on December 1, 1943. Since the return for the deceased wife will be for a period less than 12 months, D cannot use Form 540B.

Example (4): For the calendar year 1943, E (domiciled in and a resident of New York) has a gross income, from sources in this State, of $4,965. His wife, who has no taxable gross income in 1943, dies on May 15, 1943, and on July 1, 1943, he is supporting and maintaining a home for two dependent children both of whom are under the age of 18. Since E would not occupy the status of head of a family except for the fact that he maintains a home for such children, no amount may be subtracted from gross income on account of one of such children. To determine his tax for the calendar year 1943, E subtracts only $400 and refers to column 5 of the schedule (applicable to head of family) and finds that the tax in the case of a taxpayer whose gross income falls in the bracket running from $4,550 to $4,600 is $8.01. Since $4,565 is within this bracket, E's tax is $8.01.

Payments to a wife in the nature of, or in lieu of, alimony which are includible in her gross income under Sections 17104-07 and 18172.3-72.7 may not be considered as a payment by her husband for the support of any dependent (for definition of husband and wife for purposes of this sentence, see Section 17019.3).

(2) **For Taxable Years Beginning After December 31, 1944, and Prior to January 1, 1947.** For taxable years beginning after December 31, 1944, and prior to January 1, 1947, the determination of whether a taxpayer is a single person, a married person or a head of a family is to be made as of the last day of such taxpayer's taxable year except in cases where a spouse or head of a family dies during the taxable year in which case such determination shall be made as of date of death of the spouse or head of a family.

The determination of whether a taxpayer has a dependent shall be made pursuant to Section 17952.1 and Reg. 17952.1.

Example (1): For the calendar year 1945, A, an unmarried person, has an adjusted gross income of $3,832. During the first eleven months of 1945, A's status is that of head of a family, but on the last day of the taxable year, his status is that of a single person not the head of a family. To determine the tax imposed upon him for the calendar year 1945 under Section 17053.5, A refers to column 3 of the schedule (applicable to a single person who is not the head of a family) and finds that the tax imposed upon a taxpayer whose gross income falls within the bracket running from $3,800 to $3,850 is $5.96. Since $3,832 is within this bracket, A's tax is $5.96.

Example (2): For the calendar year 1945, B has a gross income of $4,312, derived wholly from salary, and C, his wife, has gross income of $4,000, derived wholly from wages, in both cases earned while married. On the last day of the taxable year, they are married and B is supporting two dependent children. B and C file separate returns under Section 17053.5. To determine his tax for the calendar year 1945, B substracts $800 from $4,156 (one-half of the combined income which is community property), refers to column 4 of the schedule (applicable to married person making separate return), and finds that the tax imposed upon a taxpayer whose adjusted gross income falls within the bracket running from $3,350 to $3,400 is $9.23. Since $3,356 ($4,156 minus $800) is within this bracket, B's tax is $9.23. To determine her tax for such year, C refers to column 4 of the schedule (applicable to married person making separate return) and finds that the tax imposed upon a taxpayer whose adjusted gross income falls within the bracket running from $4,150 to $4,200 is $16.75. Since $4,156 is within this bracket, C's tax is $16.75. Under such facts, B and C can file a joint return and take a standard deduction of $300.

Example (3): For the calendar year 1945, D (domiciled in California) has an adjusted gross income of $4,860, derived wholly from wages. He was married on April 1, 1943. He has no dependents. His wife, who has no separate income, dies on December 1, 1945. For purposes of Section 17053.5 both D and the fiduciary of his spouse may use the optional tax table.

Example (4): For the calendar year 1945, E (domiciled in and a resident of New York) has an adjusted gross income, from sources in this State, of $4,900. His wife, who has no taxable income in 1945, dies on May 15, 1945, and he is not supporting and maintaining a home for dependent children. To determine his tax for the calendar year 1945, E refers to

column 5 of the schedule and finds that the tax in the case of a taxpayer whose adjusted gross income falls in the bracket running from $4,850 to $4,900 is $.83. Since $4,900 is within this bracket, E's tax is $.83.

Payments to a wife in the nature of, or in lieu of, alimony which are includible in her gross income under Sections 17104-07 and 18172.3-72.7 may not be considered as a payment by her husband for the support of any dependent (for definition of husband and wife for purposes of this sentence, see Section 17019.3).

Art. 5.1-3 **Reg. 17053.5(c). Manner of Election to Compute Tax Under Section 17053.5.** (1) **For Taxable Years Beginning After December 31, 1942, and Prior to January 1, 1945.** A taxpayer elects to compute his income tax under Section 17053.5 by filing a return of his gross income on Form 540B. If a husband and wife both make such an election, they may file a joint return reporting their aggregate gross income or they may file separate returns reporting their respective gross incomes. If they file separate returns, the tax of each shall be computed by reference to the fourth column of the schedule set forth in Section 17053.5.

An election once made for the taxable year may not be revoked by an amended return or otherwise, but a new election is allowed for each subsequent taxable year. If for any taxable year the taxpayer makes a return without regard to Section 17053.5, he may not thereafter elect to have his tax computed under such section for that taxable year.

If one spouse files on Form 540, 540A or 540NR, the other may not use Form 540B.

(2) **For Taxable Years Beginning After December 31, 1944, and Prior to January 1, 1947.** For taxable years beginning after December 31, 1944, if the taxpayer computes his income tax under Section 17053.5, he thereby elects to take the standard deduction provided in Section 17325.

(3) **Taxpayers to Whom Section 17053.5 is Inapplicable.** For taxable years beginning after December 31, 1944, the following taxpayers are ineligible to file a return and pay the tax under Section 17053.5:

(a) An estate or trust;

(b) An individual who makes a return for a period of less than 12 months on account of a change in the accounting period;

(c) Any married individual whose spouse does not or cannot elect to pay the tax under Section 17053.5.

Section 17054. Compensation for Services Rendered for a Period of 36 Months or More. In the case of compensation (a) received for personal services rendered by an individual or a partnership, and covering a period of 36 calendar months or more from the beginning to the completion of such services, (b) all or at least 80 per cent of which is received or accrued in one taxable year, the tax attributable to any part thereof which is included in the gross income of any individual shall not be greater than the aggregate of the taxes attributable to such part had it been included in the gross income of such individual ratably over that part of the period which precedes the date of such receipt or accrual. Section 7.1(a)

Section 17055. Definition of Artistic Work or Inventions. As used in Section 17056, "artistic work or invention," in the case of an individual, means (a) a literary, musical, or artistic composition of that individual or, (b) a patent or copyright covering an invention of a literary, musical, or artistic composition of that individual, (c) the work on which by that individual covered a period of 36 calendar months or more from the beginning to the completion of such composition or invention. Section 7.1(b), 1st sent.

Section 17056. Compensation for Artistic Work or Inventions Covering 36 Months or More. If, in the taxable year, the gross income of any individual from a particular artistic work or invention by him is not less than 80 per cent of the gross income in respect of the artistic work or invention in the taxable year plus the gross income therefrom in previous taxable years and the 12 months immediately succeeding the close of the taxable year, the tax attributable to the part of such gross income of the taxable year which is not taxable as a gain from the sale or exchange of a capital asset held for more than one year shall not be greater than the aggregate of the taxes attributable to the part had it been received ratably over that part of the period preceding the close of the taxable year but not more than 36 calendar months. Section 7.1(b), 2d sent.

Section 17057. Definition of Month. For the purposes of Sections 17054, 17055 and 17056, a fractional part of a month shall be disregarded unless it amounts to more than half a month in which case it shall be considered as a month. Section 7.1(c)

Reg. 17054-17057(a).* Tax on Compensation for Services Rendered Over a Period of Thirty-six Calendar Months or More. Section 17054 of the law was enacted by Chapter 31, Statutes of 1941, which became effective on February 4, 1941, and provided that where an individual receives compensation (at least 95 per cent of total compensation) for personal services rendered by him, either in his individual capacity or as a member of a partnership, over a period of five calendar years or more from the beginning to the completion of such services, the tax attributable to the amount of such compensation shall, for the taxable year in which such compensation is received, not exceed the aggregate of the taxes attributable to such compensation had it been received in equal portions in each of the calendar years included in the period during which the services were rendered. Art. 7.1-1

Although Chapter 31, Statutes 1941, expressly provided that its provisions shall apply to any taxable year beginning after

* Compare with Section 29.107-1, Fed. Reg. 111.

December 31, 1939, the Attorney General of the State of California ruled that the chapter cannot, in view of Section 31 of Article IV of the California Constitution, constitutionally apply to taxes for the taxable year 1940 (Attorney General's Opinion NS 3802, October 2, 1941), but that it is valid to the extent it applies prospectively. Hence, Section 17054, as added in 1941, is applicable to taxable years ending after February 4, 1941.

For taxable years beginning after December 31, 1942, Stats. 1943, p. 1480, provides with respect to income (*at least 80 per cent of total compensation*) received in any one year for personal services rendered, either as an individual or as a member of a partnership, over a period of *36 calendar months or more* (from the beginning to the completion of such services) the tax attributable to the amount of such compensation shall, for the taxable year in which such compensation is received, not exceed the aggregate of the taxes attributable to such compensation had it been received in equal portions in each of the calendar months included in such extended period.

(1) **For Taxable Years Ending After February 4, 1941.** The following paragraphs apply for taxable years ending after February 4, 1941, and beginning prior to January 1, 1943:

If an individual receives compensation for personal services rendered by him, either in his individual capacity or as a member of a partnership, over a period of five calendar years or more from the beginning to the completion of such services, the tax attributable to the amount of such compensation shall, for the taxable year in which such compensation is received, not exceed the aggregate of the taxes attributable to such compensation had it been received in equal portions in each of the years included in the period during which the services were rendered.

With respect to compensation received in such period, Section 17054 is applicable only where at least 95 per cent of the total compensation for such services is paid on or after their completion. It is immaterial when the personal services are rendered provided a period of at least five years elapses during the period from the beginning to the completion of the services. For example, an individual beginning his services on July 13, 1937, and completing them on July 18, 1942, meets such requirement since the period of his services covers a period of at least five years.

The first step in determining whether the limitation in Section 17054 relative to the amount of the tax is applicable is the computation of the amount of tax for the current taxable year attributable to the compensation received in such year for services rendered over the required period. The tax attributable to such compensation is the difference between the tax for such taxable year computed with the inclusion of such com-

business interests in California. C has little social life in California, more in Minnesota, and has no relatives in California. Neither B nor C is a resident of California. The connection of each to the State of domicil in each year is closer than it is to California. Their presence here is for a temporary or transitory purpose.

NOTE.—If, in the foregoing two examples, the facts are reversed so that California is the State of domicil and the persons are visitors in another State or country, the persons are residents of California.

Generally, except for a person who was a resident the preceding year, a person not domiciled in California, who is in this State for only four months of a taxable year, will not be held to be a resident because of that four months' presence.

The underlying theory of Sections 17013-17015 is that the State with which a person has the closest connection during the taxable year is the State of his residence. Consequently, where a person's time is equally divided between California and the State of domicil, he will not be held to be a resident of California.

Reg. 17013-17015(c). Meaning of Domicil. Domicil has been defined as the place where an individual has his true, fixed, permanent home and principal establishment, and to which place he has, whenever he is absent, the intention of returning. It is the place in which a man has voluntarily fixed the habitation of himself and family, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some unexpected event shall occur to induce him to adopt some other permanent home. Another definition of "domicil" consistent with the above is the place where an individual has fixed his habitation and has a permanent residence without any present intention of permanently removing therefrom. Art. 2(k)-3

An individual can at any one time have but one domicil. If an individual has acquired a domicil at one place, he retains that domicil until he acquires another elsewhere. Thus, if an individual, who has acquired a domicil in Illinois, for example, comes to California for a rest or vacation or on business or for some other purpose, but intends either to return to Illinois or to go elsewhere as soon as his stay in California is completed, he retains his domicil in Illinois and does not acquire a domicil in California, even though he maintains a home here, has his family with him, and remains here a considerable period of time. Likewise, an individual, who is domiciled in California and who leaves the State, retains his California domicil as long as he has the definite intention of returning here regardless of the length of time or the reasons why he is absent from the State.

On the other hand, an individual, domiciled in Illinois, who comes to California with the intention of remaining here indefi-

nitely, and who has no fixed intention of returning to Illinois, loses his Illinois domicil and acquires a California domicil the moment he enters the State. Similarly, an individual domiciled in California, who leaves the State, loses his California domicil the moment he abandons any intention of returning to California and locates elsewhere with the intention of remaining there indefinitely.

Art. 2(k)-4 **Reg. 17013-17015(d). Residence of Married Women and Minors.** Generally, a married woman has the same domicil as her husband, even though separated from him. The domicil of a minor, ordinarily, is that of its father, or of the mother if the father is deceased. Accordingly, if a man is domiciled in California, his wife and minor children, generally, are likewise domiciled here, and are therefore residents of this State, taxable upon their entire net income except for periods they are living in some other State or country for other than temporary or transitory purposes.

Even though a man is not domiciled in this State, his wife and minor children are residents of this State if they are in this State for other than temporary or transitory purposes.

Art. 2(k)-5 **Reg. 17013-17015(e). Presumption of Residence.** If an individual (other than a mental incompetent domiciled elsewhere who was legally adjudicated incompetent at the time he came into the State) spends in the aggregate more than nine months of any taxable year in this State or maintains a permanent place of abode in this State during any taxable year, it will be presumed that he is a resident of this State. The presumption is not conclusive but may be overcome by satisfactory evidence that he is in the State for temporary or transitory purposes only. It does not follow, however, that a person is not a resident simply because he does not spend nine months of a particular taxable year or does not maintain a permanent place of abode in this State. On the contrary, a person may be a resident even though not in the State during any portion of the year.

Art. 2(k)-6 **Reg. 17013-17015(f). Proof of Nonresidence.** (1) The type and amount of proof that will be required in all cases to rebut or overcome a presumption of residence and to establish that an individual is a nonresident cannot be specified by a general regulation, but will depend largely on the circumstances of each particular case.

Ordinarily, however, affidavits or testimony of an individual and of his friends, employer, or business associates that the individual was in California for a rest or vacation or to complete a particular business transaction, or to work for a limited period of time will be sufficient to overcome any presumption of residence here. In the case of individuals who claim to be nonresi-

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(NOTE.—It has been the custom and practice of the Franchise Tax Commissioner to number his regulations and rulings to correspond with the section or sections of the Personal Income Tax Law which they interpret. It is deemed advisable that the commissioner should continue this practice. Therefore, in this table of contents (*and in the text*) the designation "Chapter" refers to the corresponding chapter in the Personal Income Tax Law as set out in the Revenue and Taxation Code.)

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REGULATIONS RELATING TO THE PERSONAL INCOME TAX LAW

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

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Section 17001. Short Title. This part is known and may be cited as the "Personal Income Tax Law."* Section 1‡

Section 17002. Construction.† Except where the context otherwise requires, the definitions given in this chapter govern the construction of this part. Section 2

Section 17003. "Commissioner." "Commissioner" means the Franchise Tax Commissioner. Section 2(a)

Section 17004. "Taxpayer." "Taxpayer" includes any individual, fiduciary, estate, or trust subject to the tax imposed by this part. Section 2(b)

Section 17005. "Individual." "Individual" means a natural person. Section 2(c)

Section 17006. "Fiduciary." "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person, whether individual or corporate, acting in any fiduciary capacity for any person, estate or trust. Section 2(d)

* Part 10 of Division 2 of the Revenue and Taxation Code was added by Stats. 1943, Ch. 659, p. 2354, and it codified The Personal Income Tax Act to become effective July 1, 1945 (see Section 3 of Stats. 1943, Ch. 659, p. 2412.)
However, under Section 1 of Ch. 645, Stats. 1945, Part 10 became effective on June 5, 1945.
Amendments were made to Part 10 in 1943 by the following chapters: 25, 26, 47, 147, 353, and 354.
The regulations contained herein were issued by the Franchise Tax Commissioner under the authority contained in Section 19253 of the Revenue and Taxation Code.

† See Sections 1 to 28, inclusive, of the Revenue and Taxation Code for general definitions and construction.

‡ These "section" side references are to the origin of each code and section in the old act.

Regulation* 17006. Fiduciary. (1)** The term "fiduciary" applies to persons that occupy positions of peculiar confidence toward others, such as trustees, executors, and administrators. A fiduciary for income tax purposes is a person who holds in trust an estate to which another has the beneficial title or in which another has a beneficial interest, or receives and controls income of another, as in the case of receivers. A committee or guardian of the property of an incompetent person is a fiduciary.

Art. 2(d)-1‡

(2)† There may be a fiduciary relationship between an agent and a principal, but the word "agent" does not denote a fiduciary. An agent having entire charge of property, with authority to effect and execute leases with tenants entirely on his own responsibility and without consulting his principal, merely turning over the net profits from the property periodically to his principal by virtue of authority conferred upon him by a power of attorney, is not a fiduciary within the meaning of the law. In cases where no legal trust has been created in the estate controlled by the agent and attorney, the liability to make a return rests with the principal.

Section 2(e)

Section 17007. "Person." "Person" includes individuals, fiduciaries, partnerships, and corporations.

Section 2(f)

Section 17008. "Partnership." "Partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this part, a trust or estate or a corporation.

"Partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

Art. 2(f)-1

Reg. 17008.§ Partnerships. (1) The law provides its own concept of a partnership. Under the term "partnership" it includes not only a partnership as known at common law but, as well, a syndicate, group, pool, joint venture, or other unincorporated organization which carries on any business, financial operation, or venture, and which is not, within the meaning of the law, a trust, estate, or a corporation. On the other hand the law classifies under the term "corporation" an association or joint-stock company, the members of which may be subject to the personal liability of partners. If an organization is not interrupted by the death of a member or by a change in ownership of a participating interest during the agreed period of its existence, and its management is centralized in one or more persons in their representative capacities, such an organization is an association, taxable as a corporation. The following examples will illustrate some phases of these distinctions:

* Hereinafter referred to as Reg.

** This paragraph is subsantially the same as Section 29.3797-9, Fed. Reg. 111.

† This paragraph is substantially the same as Section 29.3797-10, Fed. Reg. 111.

‡ These side "article" references are to the origin of each *code* regulation in the regulations for The Personal Income Tax Act.

§ This regulation is substantally the same as Section 29.3797-4 and 5, Fed. Reg. 111.

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Article 13. Payment and Collection of Use Tax

2083. Place of Business. For purposes of the use tax, "place of business" means an office or other premises regularly used by a retailer for the transaction of business. It includes any office, distribution house, sales house, warehouse or other premises maintained by the retailer or under his authority for use in the furtherance of sales made by him or on his behalf to California purchasers.*†

Effective July 1, 1935. Adopted as of January 1, 1945, as a restatement of previous rulings.

(Section 6203, Revenue and Taxation Code)

2084. Collection of Tax by Retailers. Retailers maintaining a place of business in this State and making sales of tangible personal property, the storage, use, or other consumption of which is subject to the tax must register with the Board and, at the time of making the sales, or, if the storage, use or other consumption of the tangible personal property is not then taxable, at the time it becomes taxable, collect the tax from the purchaser and give the purchaser a receipt therefor (content of receipts, see Ruling 2086).

Retailers who do not maintain a place of business in this State may obtain a certificate of authority from the Board, authorizing them to collect the tax from purchasers, give receipts therefor, and pay the tax to the Board in the same manner as retailers maintaining places of business in this State.*†

Effective July 1, 1935. Adopted as of January 1, 1945, as a restatement of previous rulings.

(Sections 6203, 6226, Revenue and Taxation Code)

2085. Payment of Tax by Purchasers. (a) Purchasers of tangible personal property, the storage, use, or other consumption of which is subject to the use tax, must pay the tax:

(1) To the person from whom such property is purchased if such person holds a seller's permit, or a certificate of authority to collect tax, under the Sales and Use Tax Law,

(2) Directly to the Board if the person from whom the tangible personal property is purchased does not hold such a permit or certificate.

Purchasers should not pay the tax to a person who does not hold a seller's permit or a certificate of authority to collect tax. Purchasers will be liable for payment of the tax to the Board unless receipts, as provided in Ruling 2086, are obtained from sellers holding a seller's permit or a certificate of authority to collect tax.

(b) **Application of Ruling to Automobiles Delivered Outside California.** The use tax applies to the sales price of automobiles delivered at a factory or place of business in another state for use in this State. The sales price in such case is the amount actually agreed to be paid for the goods even though such amount is less than the list price at a California seller's place of business. If the sales contract is entered into

*† For statutory and source citations, see note to §1901.

with a California automobile dealer, the dealer is required to collect the tax from the purchaser and give the purchaser a receipt therefor.

If the automobile is purchased directly from the factory or dealer in another state for use in this State and is not purchased through a California seller, the purchaser must make a return and payment of tax on or before the fifteenth day of the second calendar month following the calendar month the automobile was brought into California, or on or before the fifteenth day of the month following the close of the quarterly period during which the automobile was brought into California, whichever date is the later.*†

Effective July 1, 1945. Adopted as of January 1, 1945, as a restatement of previous rulings.

(Sections 6452, 6455, Revenue and Taxation Code)

2086. Receipts for Tax Paid to Retailers. Each retailer required or authorized to collect use tax from purchasers must give a receipt to each purchaser for the amount of tax collected. The receipt need not be in any particular form but must show the following:

(a) The name and place of business of the retailer.

(b) The serial number of the retailer's permit to engage in business as a seller or the serial number of the retailer's certificate of authority to collect use tax.

(c) The name and address of the purchaser.

(d) A description identifying the property sold to the purchaser.

(e) The date on which the property was sold.

(f) The sale price of the property.

(g) The amount of tax collected by the retailer from the purchaser.

A sales invoice containing the data required above, together with evidence of payment of such sales invoice, will constitute a receipt.

Purchasers will be liable for payment of the tax to the Board unless they obtain and retain for inspection receipts as herein provided.*†

Effective July 1, 1935. Adopted as of January 1, 1945, as a restatement of previous rulings.

(Section 6202, Revenue and Taxation Code)

2087. Information Returns. Information returns must be filed by all persons who solicit orders for the sale of tangible personal property the storage, use, or other consumption of which is subject to the tax if the seller does not hold a certificate of authority to collect use tax and if the seller does not both maintain a place of business in California and hold a seller's permit under the Sales and Use Tax Law. Such returns shall be for quarters of the calendar year and must be filed not later than the fifteenth day of the month following each three-month period

*† For statutory and source citations, see note to §1901.

Article 14. Administration—Miscellaneous

2098. Records. Every seller, retailer and person storing, using or otherwise consuming in this State tangible personal property purchased from a retailer, shall keep until the Board in writing authorizes their destruction, adequate and complete records showing:

(a) The gross receipts from the sales of tangible personal property (including any services that are a part of the sale) made within California irrespective of whether the seller regards the receipts as taxable or non-taxable.

(b) All deductions allowed by law and claimed in filing returns.

(c) Total purchase price of all tangible personal property purchased for sale or consumption in California.

These records must include the normal books of account ordinarily maintained by the average prudent business man engaged in the activity in question, together with all bills, receipts, invoices, cash register tapes, or other documents of original entry supporting the entries in the books of account as well as all schedules or working papers used in connection with the preparation of tax returns.

Failure to maintain such records will be considered evidence of negligence or intent to evade the tax, and will result in the imposition of appropriate penalties.*†

Effective July 1, 1939. Adopted as of January 1, 1945, as a restatement of previous rulings.

(Section 7053, Revenue and Taxation Code)

2099. Permits. Every person engaged in the business of selling tangible personal property of a kind the gross receipts from the retail sale of which are required to be included in the measure of the sales tax is required to hold a permit for each place of business at which transactions relating to sales are customarily negotiated with his customers. For example, a permit is required for a branch sales office at which orders are customarily taken and contracts negotiated, whether or not merchandise is stocked there. No additional permits are required for warehouses or other places at which merchandise is merely stored and which customers do not customarily visit for the purpose of making purchases and which are maintained in conjunction with a place of business for which a permit is held; but at least one permit must be held by every person maintaining stocks of merchandise in this State for sale. If two or more activities are conducted by the same person on the same premises, even though in different buildings, only one permit is required. For example, a service station operator having a restaurant in addition to the station on the same premises requires only one permit for both activities.

A permit is not required to be held by persons all of whose sales are made exclusively in interstate or foreign commerce (Ruling 2015), but a permit is required of persons notwithstanding all their sales are made to the United States or instrumentalities thereof.

*† For statutory and source citations, see note to §1901.

A retailer is liable for the payment of tax measured by receipts from retail sales made in his place of business by operators of concessions therein, unless the concessionaires obtain permits from the Board.

In the event the retailer fails to make a return and remit the amount of tax due with respect to operations of the concessions, the concessionaires must secure permits and file returns together with remittances of the amount of tax due.

If agents make sales on behalf of a principal and do not have a fixed place of business, but travel from house to house or from town to town, it is unnecessary that a permit be obtained for each agent if the principal obtains a permit for each place of business located in California. If, however, the principal does not obtain a permit for each place of business located in California, it is necessary for each agent to obtain a permit.*†

Effective July 1, 1939. Adopted as of January 1, 1945, as a restatement of previous rulings.

(Sections 6066-6071, Revenue and Taxation Code; Vending Machine Operators, permits for, see Ruling 1975)

2100. Reimbursement for Sales Tax. Each retailer, in the manner herein required, must indicate separately in the prices for which tangible personal property is sold or offered for sale, the amounts included in such sales prices which represent reimbursement of the sales tax imposed upon the retailer. The prescribed procedure is as follows:

(a) "Sales tax reimbursement" must be calculated at 2½ per cent of the sales prices exclusive of such tax reimbursement, or its nearest equivalent in accordance with a posted schedule. The schedule used to calculate sales tax reimbursement must be designed so as to result in sales tax reimbursement in an amount as nearly equivalent as practicable to 2½ per cent on total taxable sales and to 2½ per cent on the average amount of individual taxable sales.

(b) A notice must be posted in a conspicuous place in the premises stating that sales tax reimbursement, calculated in accordance with subsection (a) above, will be added to all posted or advertised prices of goods, the sale of which is not exempt from the measure of the retail sales tax; or each posted or advertised price must show the amount of sales tax reimbursement separately.

(c) The amount of sales tax reimbursement must be stated separately on all sales invoices with respect to sales which are included in the measure of the sales tax.

This Ruling is designed to prevent unfair trade practices in the quotation of prices to the public by competing retailers. The Board finds that there is no necessity for a separate statement of the amount of sales tax reimbursement to prevent such practices in transactions involving sales to governmental agencies or sales to purchasers in which the method of billing is prescribed by governmental agencies. Accordingly, when the procedure of any governmental agency does not admit of the separate statement of the amount of sales tax reimbursement included in the price of tangible personal property, the retailer may state

*† For statutory and source citations, see note to §1901.

(c) The amount of sales tax reimbursement must be stated separately on all sales invoices with respect to sales which are included in the measure of the sales tax.

This Ruling is designed to prevent unfair trade practices in the quotation of prices to the public by competing retailers. The Board finds that there is no necessity for a separate statement of the amount of sales tax reimbursement to prevent such practices in transactions involving sales to governmental agencies or sales to purchasers in which the method of billing is prescribed by governmental agencies. Accordingly, when the procedure of any governmental agency does not admit of the separate statement of the amount of sales tax reimbursement included in the price of tangible personal property, the retailer may state such price in accordance with the requirements of the agency, notwithstanding any of the provisions of this ruling.

Whenever the total amount charged in connection with a particular transaction includes non-taxable as well as taxable receipts (e.g., repair jobs, transactions involving installation of property sold, or where under various rulings a percentage of a lump-sum charge is regarded as gross receipts from the sale of tangible personal property), the retailer should not compute reimbursement for sales tax upon an amount in excess of his taxable gross receipts. Should a retailer compute sales tax reimbursement upon an amount in excess of that which he returns to the State as taxable, he will be subject to a deficiency determination measured by the excess unless he is able to show, by a proper segregation in his records, that the actual gross receipts subject to tax were the amount upon which he returned the tax to the State, and that his action in computing reimbursement on a greater amount was due to his belief, in good faith, that the greater amount was the true measure of the tax.*†

Effective, as amended, July 1, 1943. Adopted as of January 1, 1945, as a restatement of previous rulings.
(Section 6054, Revenue and Taxation Code)

2101. Sale of a Business. The tax applies to that portion of the gross receipts from the sale of an entire business operated by a retailer that represents the fair retail value of the tangible personal property, such as showcases and office or delivery equipment, acquired for use rather than resale by the purchaser of the business. The tax does not apply, however, with respect to tangible personal property such as stock in trade, sold for the purpose of resale in the regular course of the purchaser's business.*†

Effective October 1, 1944. Adopted as of January 1, 1945, as a restatement of previous rulings.
(Section 6015, Revenue and Taxation Code)

2102. Successor's Liability. The requirement that a successor or purchaser of a business or stock of goods withhold sufficient of the purchase price to cover the tax liability of the seller, arises only in the case of the purchase and sale of a business or stock of goods under a contract, providing for the payment to the seller or person designated by him of a purchase price in money or property or providing for the

*† For statutory and source citations, see note to §1901.

assumption of liabilities and only to the extent thereof, and does not arise in connection with other transfers of a business such as assignments for the benefit of creditors, foreclosures of mortgages, or sales by trustees in bankruptcy.

The liability of the successor or purchaser of a stock of goods extends to taxes incurred with reference to the operation of the business by the predecessor or any former owner up to the time of sale, even though not then determined against him, to interest thereon to the date of payment of the taxes, to penalties for non-payment of taxes, and to penalties for negligence or intentional disregard of the Sales and Use Tax Law or authorized rules and regulations, or for fraud or an intent to evade the tax determined and unpaid at the time of sale.

The purchaser of the business or stock of goods will be released from further obligation to withhold the purchase price if he obtains a certificate from the Board stating that no taxes, interest, or penalties are due from a predecessor. He will also be released if he makes a written request to the Board for a certificate and if the Board does not within sixty days thereafter issue the certificate or mail to the purchaser a notice of the amount of the tax, interest, and penalties that must be paid as a condition of issuing the certificate.

Effective July 1, 1945. Amended June 29, 1945.
(Sections 6811, 6812, Revenue and Taxation Code)

2103. Interest and Penalties. Interest and penalties are prescribed in various sections of the Revenue and Taxation Code as follows:

	Code Sections	
Subject	*Interest*	*Penalties*
Failure to pay tax within required time (except determinations)	6591	6591
Deficiency determinations	6482	6484 (negligence) 6485 (fraud)
Determinations—failure to make return	6513	6511 6514 (fraud)
Jeopardy determinations	6537	6537
Extensions of time	6459	
Determinations—nonpayment of Offsets	6512	6512, 6565
Refunds and credits	6901, 6907, 6908	6901
Suits for refund	6936	
Disclosure of information		7056
Disposition of interest and penalties	7101	7101
Criminal penalties		7151-7153

Interest

(a) **Late Payments Generally.** Interest applies to the amount of all taxes becoming due and payable on or after July 1, 1935, and not paid within the time required by law, at the rate of one-half of 1 per cent per month, or fraction thereof, from the date on which the amount of tax became due and payable until the date of payment.

Interest applies at the rate of 12 per cent per annum to the amount of all taxes and assessments due and payable on or before June 30, 1935,

*† For statutory and source citations, see note to §1901.

and remaining unpaid on that date, from the date at which the taxes or assessments became due and payable to and including June 30, 1935, and at the rate of one-half of 1 per cent per month, or fraction of a month, from July 1, 1935, to the date of payment.

(b) **Assessments or Determinations.** Interest applies to the amount of tax specified in all assessments or determinations made on or after July 1, 1935, at the rate of one-half of 1 per cent per month, or fraction thereof, from the fifteenth day after the close of the period or periods, as the case may be, for which the assessments or determinations are imposed, until the date of payment.

(c) **Extensions of Time.** In cases in which an extension of time for the filing of a return and the payment of tax has been granted, interest applies to the amount of the tax at the rate of one-half of 1 per cent per month, or fraction thereof, from the date on which the tax would have been due and payable had the extension not been granted until the date of payment.

(d) **Refunds and Credits.** If an overpayment is credited on amounts due from any person or is refunded, interest will be computed at the rate of one-half of 1 per cent per month on the overpayment of the amount of tax but not on any overpayment of interest and penalties, from the fifteenth day of the calendar month following the quarterly period for which the overpayment was made; but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited. Interest will be paid in the case of a refund, to the fifteenth day of the calendar month following the date upon which the claimant, if he has not already filed a claim, is notified by the Board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier; and in the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

Penalties

(e) **Late Payments Generally.** A penalty of 10 per cent of the amount of the unpaid tax shall be added to any tax which became due and payable prior to July 1, 1935, and which remained unpaid on that date, and to any tax or amount of tax becoming due and payable on or after July 1, 1935, and not paid in whole or in part within the time required by law.

(f) **Determinations—Negligence or Intentional Disregard.** A penalty of 10 per cent of the amount of the tax specified in the determination shall be added to deficiency determinations if any part of the deficiency for which the determination is imposed is due to negligence or intentional disregard of the Sales and Use Tax Law or authorized rules and regulations.

(g) **Determinations—Failure to Make Return.** A penalty of 10 per cent of the amount of the tax specified in the determination shall be added to all determinations made on account of the failure of any person to make a return as required by law.

*† For statutory and source citations, see note to §1901.

(h) **Determinations—Fraud or Intent to Evade.** A penalty of 25 per cent of the amount of the tax specified in a deficiency determination shall be added thereto if any part of the deficiency for which the determination is made is due to fraud or intent to evade the Sales and Use Tax Law or authorized rules and regulations. In the case of a determination for failure to file a return, if such failure is due to fraud or an intent to evade the Sales and Use Tax Law or authorized rules and regulations, a penalty of 25 per cent of the amount required to be paid, exclusive of penalties, shall be added thereto in addition to the 10 per cent penalty for failure to file a return.

(i) **Determinations—Nonpayment of.** A penalty of 10 per cent of the amount of the tax specified in the determination shall be added to any determination not paid within the time required by law.*†

Effective July 1, 1945. Amended June 29, 1945.

*† For statutory and source citations, see note to §1901.

applies to the sale. If the damage occurs prior thereto, sales tax applies as follows:

(1) If the goods are destroyed, tax does not apply to damages paid the retailer for their destruction.

(2) If the goods are not destroyed, and are sold at retail in their damaged condition, tax applies to that portion of the total amount paid to the retailer representing the fair retail value of the goods in their damaged condition.

(b) **Use Tax:** Use tax does not apply with respect to goods destroyed before the purchaser makes any storage or use of the goods. If the goods are damaged but are nevertheless stored or used by the purchaser, tax applies to that portion of the total amount paid to the retailer representing the fair retail value of the goods in their damaged condition.*†

Effective as to sales tax, August 1, 1933; effective as to use tax, July 1, 1935. Adopted as of January 1, 1945, as a restatement of previous rulings.

(Sections 6006-6010, Revenue and Taxation Code)

2030. Packers, Loaders, Shippers. Tax applies to sales to packers, loaders and shippers of property, such as car strips and bracing materials, used in transporting commodities or in preparing them for transportation.

Tax does not apply to sales of ice used or employed in packing and shipping or transporting food products for human consumption between a point or points within and a point or points without this State. Tax applies, however, to sales of ice used for the shipment of such products within this State.

Effective 5-24-45. Amended 6-29-45.

(Sections 6007, 6359.5, Revenue and Taxation Code; Containers, see Ruling 1989)

Article 10. Credit Sales; Lease Contracts

2041. Credit Sales Generally. If tangible personal property is sold on credit, either under a conditional sale or lease contract, or otherwise, the whole amount of the contract is taxable, unless the retailer keeps adequate and complete records to show separately the sales price of the tangible personal property, and the insurance, interest, finance, carrying and other charges made in the contract. If such records are kept by the retailer, the insurance, interest, finance and carrying charges may be excluded from the computation of the tax.

The total amount of the tax on the entire sales price in credit transactions is due and payable on the due date of the return to be filed after the close of the reporting period in which the sale is made. No reduction in the amount of tax payable by the retailer is allowable by reason of his transfer at a discount of a conditional sale or lease contract or other evidence of indebtedness.

No deduction is allowable in the event that property sold on credit (under conditional sale contract or otherwise) is repossessed except

*† For statutory and source citations, see note to §1901.

where the entire consideration paid by the purchaser is refunded to him (see Ruling 2054).*†

Effective June 1, 1942. Adopted as of January 1, 1945, as a restatement of previous rulings.

(Sections 6006, 6011, 6012, Revenue and Taxation Code)

2042. Lease Contracts. If tangible personal property is, for all intents and purposes, sold, but the transaction is designated as a lease or rental for the purpose of retaining title in the seller as security for payment of the purchase price, or for the purpose of avoiding the tax, the transaction is a sale and all receipts therefrom are taxable. Furthermore, if the property is substantially consumed during the period of the lease the transaction is a sale and gross receipts therefrom are taxable. (Example—see Ruling 2043, Oil Well Drilling Tools.)

Rental agreements entered into with the understanding that the lessee shall become the owner of the property upon completion of the prescribed payments constitute sales, and the tax applies as indicated in Ruling 2041. If a rental agreement contains a provision giving the lessee the option of becoming the owner of the property, it shall be presumed that the transaction is a sale.

If a rental agreement is not entered into with the understanding that the lessee shall become the owner of the property, the transaction is not a sale, and the tax applies as indicated in Ruling 2070. If the lessee purchases the property at or prior to the termination of such lease agreement, the tax applies to the purchase price, which includes any amount of the rental payments applied to the purchase price, and must be paid by the seller at the time payment is due for the reporting period in which the sale takes place. The lessor may deduct from the total selling price the amount of any rentals applied thereto, upon which the lessor has paid tax pursuant to Ruling 2070.*†

Effective August 1, 1933. Adopted as of January 1, 1945, as a restatement of previous rulings.

(Sections 6006, 6010, 6457, Revenue and Taxation Code; Rental of property purchased for resale, see Ruling 2070)

2043. Oil Well Drilling Tools. If oil well drilling tools are ordinarily substantially consumed during one run, or under one lease agreement, the charges therefor are taxable, even though designated as rentals. Thus, the tax applies to charges for tools such as roller cutters for under reamers, roller cutters for straight reamers and roller or cone type rock bit cutters. If no segregation is made between the charges for oil well drilling tools which are so consumed, and rental charges for tools which are not so consumed, the entire charges are taxable.*†

Effective August 1, 1933. Adopted as of January 1, 1945, as a restatement of previous rulings.

(Sections 6006, 6010, Revenue and Taxation Code)

Article 11. Merchandise Returned, Traded In, or Found Defective

2054. Returned Merchandise. The amount upon which tax is computed does not include the amount charged for merchandise returned by customers upon rescission of the contract of sale if the full sale price thereof is refunded either in cash or credit, and the property is returned

*† For statutory and source citations, see note to §1901.

2003. Meals. (a) **Restaurants, Hotels, Boarding Houses, Soda Fountains and Similar Establishments.** The term **"boarding house"** as used in this Ruling means any establishment regularly serving meals on the average to five or more paying guests. A person furnishing meals on the average to fewer than five paying guests is not considered to be engaged in the business of selling meals at retail.

Tax applies to sales of meals furnished by restaurants, hotels, boarding houses, soda fountains and similar establishments whether served on or off the premises. In the case of American plan hotels and boarding houses, a segregation must be made between the charges for rooms and the charges for meals.

Souffle cups, straws, paper napkins, toothpicks and like items that are not of a reuseable character which are furnished with meals are sold with the meals. Sales of such items for such purpose to persons engaged in the business of selling meals are, accordingly, sales for resale.

(b) **Sandwiches and Other Foods:** (Effective July 1, 1939). Tax applies to sales of sandwiches, ice cream and other foods sold in a form for consumption at tables, chairs, or counters, or from trays, glasses, dishes, or other tableware provided by the retailer.

Tax does not, however, apply to sales of food in boxes, cartons, cones, or otherwise in a form for consumption other than at tables, chairs, or counters, or from trays, glasses, dishes, or other tableware provided by the retailer. If a retailer of sandwiches, hot dogs, ice cream or other foods sold for immediate consumption claims exemption from tax of any sales of food products on the ground that they were sold for consumption other than at facilities of this kind provided by him, either he must show that he maintained no such facilities or he must keep a careful segregation of his receipts from such sales on separate cash register listings, on copies of sales slips, or in some similar record which can be verified by audit.

A passenger's seat aboard a train, or a spectator's seat at a game, show, or similar event is not a **"chair"** within the meaning of this Ruling. Accordingly, tax does not apply to the sale of sandwiches, hot dogs, ice cream, or other food products sold by vendors passing among the passengers or spectators where the food products are not "for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware provided by the retailer."

(c) **Tips and Service Charges.** Where an employer requires his employees to turn over to the employer the amount of tips, or a portion thereof, received in connection with the serving of meals or drinks, the amount of such tips received by the employer will be considered as part of gross receipts from the sale of the meals or drinks and must be included in the measure of tax.

Amounts designated as service charges, added to the price of meals, are a part of the selling price of the meals and, accordingly, must be included in the retailer's gross receipts subject to tax even though such service charges are made in lieu of tips and are paid over by the retailer to his employees.

(d) **Caterers:** (Effective July 1, 1939) The term **"caterer"** as used in this Ruling, means a person engaged in the business of serving meals,

food and drinks on the premises of his customers but does not include employees hired by the hour or day.

Tax applies to the entire charges made by caterers for serving meals, food and drinks, inclusive of charges for food, the use of dishes, silverware, glasses, chairs, tables, etc., used in connection with serving meals and for the labor of serving the meals. Tax applies to charges made by caterers for preparing and serving meals and drinks even though the food is not provided by the caterers. Tax does not apply to charges made by caterers for the rental of dishes, silverware, glasses, etc., if no food is provided or served by the caterers in connection with such rental.

Sales of meals by caterers to social clubs, fraternal organizations, or other persons are sales for resale if such social clubs, fraternal organizations, or other persons are the retailers of the meals and give valid resale certificates therefor.

(e) **Social Clubs and Fraternal Organizations.** "**Social clubs and fraternal organizations**" as used herein includes any corporation, partnership, association, group or combination acting as a unit, such as service clubs, lodge and church organizations, community, country and athletic clubs.

The tax applies to receipts from the furnishing of meals, food and drink by social clubs and fraternal organizations unless furnished exclusively to members and also less frequently than once a week.

(f) **Students', Teachers', and Employees' Meals:** (Effective as amended July 1, 1947). Tax does not apply to the sale of meals or food products for human consumption by public or private schools, school districts, student organizations and parent-teacher associations to the students or teachers of a school, or to the sale of meals or food products for human consumption by employers or employee organizations to the employees engaged in work upon a particular project or undertaking. Tax, for example, does not apply to the sale of meals by a contractor to his employees or to the employees of other contractors engaged in work on the same project; tax, however, applies to the sale of meals to any person not engaged in work on the project and to the sale of meals by a concessionaire or other retailer of meals who is not an employer of persons working on the project. As used in this paragraph, "food products" includes food furnished, prepared, or served for consumption at tables, chairs, or counters, or from trays, glasses, dishes, or other tableware provided by the retailer.*† (Filed 7-25-47)

(Sections 6006, 6012, 6359, 6363, Revenue and Taxation Code)

Article 8. Matters Relating to the Federal Government

2014. Sales to the United States and Its Instrumentalities. (a) Generally—Tax does not apply to sales to:

(1) The United States, its unincorporated agencies and instrumentalities (Effective August 1, 1933),

(2) Any incorporated agency or instrumentality of the United States wholly owned by either the United States, or by a corporation wholly owned by the United States (Effective as to sales tax May 22, 1943),

(3) The American National Red Cross, its chapters and branches (Effective as to sales tax May 22, 1943).

*† For statutory and source citations, see note to §1901.

Article 6. Exemptions Generally

1987. Animals and Feed. (a) **Animals.** Tax does not apply to sales of any form of animal life of a kind the products of which ordinarily constitute food for human consumption, as for example, cattle, sheep, swine, baby chicks, hatching eggs, fish, and bees. Tax does apply, however, to retail sales (including sales for breeding purposes) of any form of animal life not of such a kind, as for example, cats, dogs, horses, mink, and canaries.

(b) **Feeds.** Tax does not apply to sales of feed for any form of animal life of a kind the products of which ordinarily constitute food for human consumption, or are to be sold in the regular course of business.

"Feed" includes cod liver oil, salt, bone meal, calcium carbonate, double purpose limestone granulars and oyster shells, but does not include sand, charcoal, granite grit, sulphur and medicines.

(c) **Feed Exemption Certificates.** Sellers of feed should secure feed exemption certificates with respect to sales of feed of a kind customarily used both to feed animal life of a kind the products of which ordinarily constitute food for human consumption, and to feed animal life not of this kind. The following form of certificate is suggested:

"I hereby certify that I am engaged in the production of products of animal life which are food for human consumption, and that all of the feeds which I shall purchase from _____ will be purchased for use in the production of such products. This certificate shall be considered a part of each order which I give unless such order shall otherwise specify. This certificate shall be good until revoked in writing.

Signature _____

Address _____

Occupation _____

Seller's Permit No. (if any) _____."

(d) Sellers of feed need not secure feed exemption certificates with respect to sales of feed of a kind ordinarily used only in the production of dairy and poultry products, or with respect to sales in small units (less than one standard sack of grain and less than one bale of hay), of feeds of a kind customarily used either for food production or other purposes (feeding work stock). In the absence of evidence to the contrary, it will be presumed that all such feeds are to be used in producing dairy or poultry products for human consumption.*† (Filed 7-25-47; Effective 7-1-47)

(Section 6358(a), (b), Revenue and Taxation Code)

1988. Seeds, Plants and Fertilizer. (a) **Seeds and Plants:** (Effective April 1, 1938). Tax does not apply to sales of seeds and annual plants, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of the pur-

*† For statutory and source citations, see note to §1901.

chaser's business. Tax does not apply to sales of seed, the products of which will be used as feed for livestock and poultry of a kind the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of the purchaser's business.

Tax applies to sales of non-annual plants, such as fruit trees and berry vines, regardless of the fact that the products will be sold or used as food for human consumption, unless the plants themselves, as distinguished from their products, are purchased for resale.

(b) **Fertilizer:** (Effective July 1, 1943.) Tax does not apply to sales of fertilizer to be applied to land the products of which are to be used as food for human consumption or sold in the regular course of business.

"**Commercial fertilizers,**" "**Agricultural minerals,**" and "**Manures**" as these terms are defined in Section 1022 of the Agricultural Code, are included within the meaning of the word "**fertilizer**" as used in this ruling.*†

Effective as indicated following the title of each subdivision.
Adopted as of January 1, 1945, as a restatement of previous rulings.

(Section 6358(c), (d), Revenue and Taxation Code)

1989. Containers and Labels. (a) **Containers:** The term "**containers**" as used herein means the articles in which tangible personal property is placed for shipment and delivery such as wrapping materials, bags, cans, twines, gummed tapes, barrels, boxes, bottles, drums, carboys, cartons, sacks and materials from which such containers are manufactured.

The term "**returnable containers**" as used herein means containers of a kind customarily returned by the buyers of the contents for re-use by the packers, bottlers or sellers of the commodities contained therein. A container, title to which is retained by the seller of the contents, or for which a deposit is taken by such seller, is a returnable container. Examples of returnable containers are: Registered dairy products containers, steel drums, beer and soft drink bottles, wine barrels, chemical carboys, cement bags, gas cylinders.

All other containers are "**nonreturnable containers.**" Examples of nonreturnable containers are: Wrapping and packing materials, paper bags, twine, cartons, cans, medicine and distilled spirits bottles.

The term "**deposit**" as used herein means an amount charged to the purchaser of the contents of the container with the understanding that such amount will be repaid when the container or a similar container is delivered to the seller.

Tax does not apply to sales of:

(1) Nonreturnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container.
(2) Returnable containers when sold with the contents in connection with a retail sale of the contents, or when resold for refilling.
(3) All containers when sold with the contents, if the sales price of the contents is not required to be included in the measure of the sales tax or the use tax.

*† For statutory and source citations, see note to §1901.

(c) **Dyes:**

Universal D	E G
N Z A	D M G—Gray
B C A	D B
"P" Base	Aniline Hydrochloride
Fur Brown	Universal P S
Fur Black	" P H C L
Acid Red	" A
Acid Blue	" 2 G S
	" 2 G E

(d) **Intermediates:**

Hydrogen peroxide *	Ammonium chloride
Potassium chlorate	Copper sulphate
Ammonium hydroxide	Pyrogallic acid

* Hydrogen peroxide is also commonly used as a bleaching agent, in which case the person so using it is the consumer thereof, and the same comments are applicable to it as have been made above in connection with sodium chloride.

(e) **Processing oils used to produce softness and flexibility:**

Glycerine	Sulphonated nutracod
Nutramented cod oil	Sulphonate cod oil
Shellacol	

(f) It is possible that other chemicals than those listed may be used in the above processes and may also be regarded as being purchased by fur dyers for the purpose of resale. All chemicals, however, which are not listed above and which are not used in a manner comparable to those which are listed, must be regarded as being purchased by fur dyers for their own consumption rather than for the purpose of resale.

(g) Included among the products which are commonly used by fur dressers and dyers and which should not be purchased under resale certificates are the following:

Sodium carbonate (soda ash)	French chalk
Sodium sulphate (glauber salts)	Sierra white talc
Trisodium phosphate	Chloride of lime
Fibreen talc	

(h) Fur dressers and dyers sometimes process and dye furs belonging to others, as distinguished from furs which they have purchased and will resell. Unless their operations amount to producing, processing, or fabricating within the meaning of Ruling 1925, they are the consumers of all products used in connection with such work, including dyestuffs and other chemicals which combine with the fur and become a component part of the finished article.*†

Effective August 1, 1933. Adopted as of January 1, 1945, as a restatement of previous rulings.

(Sections 6007-6009, Revenue and Taxation Code; altering, repairing and remodeling furs. See Ruling 1949)

1929. Motion Pictures. Producers of motion pictures are consumers of all film and other tangible personal property used in production, and tax applies to sales to producers of such property. Tax does not apply to amounts received by the producer for the right to exhibit or reproduce motion pictures.

*† For statutory and source citations, see note to §1901.

Tax applies to charges by a laboratory for the printing of motion picture films whether the raw film stock is furnished by the laboratory or by the customer. *†

Effective August 1, 1933. Adopted as of January 1, 1945, as a restatement of previous rulings.

(Sections 6006-6009, Revenue and Taxation Code)

1930. Oculists, Optometrists and Dispensing Opticians. (a) **Oculists and Optometrists:** (Effective September 19, 1947.) Oculists and optometrists are the consumers of ophthalmic materials including eyeglasses, frames and lenses used or furnished in the performance of their professional services in the diagnosis, treatment or correction of conditions of the human eye. Tax applies with respect to the sale of such materials to oculists and optometrists. (Filed 7-25-47)

(b) **Dispensing Opticians:** Tax applies to the entire charge made by a dispensing optician for eye glasses and kindred products furnished in filling a prescription of an oculist or optometrist. *†

Effective, except as otherwise indicated, August 1, 1933. Adopted as of January 1, 1945, as a restatement of previous rulings.

(Sections 6006, 6018, Revenue and Taxation Code)

1931. Painters, Polishers, and Finishers. Tax applies to charges for painting, polishing, and otherwise finishing tangible personal property in connection with the production of a finished product for consumers, whether the article to be finished is supplied by the customer or by the finisher. Tax does not apply to charges for painting or finishing real property. *†

Effective July 1, 1939. Adopted as of January 1, 1945, as a restatement of previous rulings.

(Sections 6006, 6011, 6012, Revenue and Taxation Code. Repainting and refinishing, see Ruling 1950. Sign Painters, see Ruling 1935)

1932. Pharmacists or Prescription Druggists. Pharmacists are retailers of medicines, drugs, etc., which they sell on prescription or otherwise, tax applying to the total price charged in the same manner as in respect to sales of other tangible personal property. *†

Effective August 1, 1933. Adopted as of January 1, 1945, as a restatement of previous rulings.

(Section 6006, Revenue and Taxation Code)

*† For statutory and source citations, see note to §1901.

SUBCHAPTER 6. VETERANS EDUCATION

Article
1. Approval of institutions for the education and training of veterans
Article
2. Approval of correspondence schools for the education and training of veterans

Article 1. Approval of Institutions for the Education and Training of Veterans

1400. Approval of Institutions for the Education and Training of Veterans. The following educational and training institutions for the education and training of veterans under Title II of Public Law 346, 78th Congress will be approved by the Department of Education upon request, subject to verification and continuation of status:

(a) The University of California, the State colleges, the State special schools and the public secondary schools.

(b) Those institutions authorized by the State Board of Education to make recommendations for the granting of teachers' credentials.*†

1401. The following educational and training institutions will be approved upon application (Form 2), subject to submission of satisfactory application, verification, and continuation of status.

(a) Those institutions accredited by the Association of American Universities, the Northwest Association of Secondary and Higher Schools, the American Association of Teachers Colleges, the University of California, or any other recognized accrediting agency.*†

1402. The following educational and training institutions will be approved upon Application (Form 2), subject to submission of a satisfactory application and compliance with all regulations of the Division of Readjustment Education. Continuation of approval will be contingent upon the maintenance of standards established by this Division.

(a) All institutions operating under the regulations of any Board or Commission of the State of California.*†

1403. Upon submission of a satisfactory application, (Form 2) other institutions will be approved when found to meet the following standards:

(a) The school must be on a sound financial and professional basis. Satisfactory references must be furnished to attest to these facts.

(b) Instructors must have qualifications that are equivalent to the minimum standards of teachers in public adult day or evening schools, in the special fields in which they propose to teach. There should be evidence of successful accredited teaching experience and/or a minimum of five years' experience on a high professional level or five years' experience as a master craftsman in the same field. The school should have a minimum of three full-time properly qualified instructors on its staff.

(c) The plant, equipment, and instructional materials must be equivalent to those found in public schools offering similar courses. For vocational courses, these standards are described in the California State Plan for Vocational Education as approved by the California State Board for Vocational Education.

*† For statutory and source citations, see note to §1.

(d) The school must have established courses of study which indicate objectives, content, and methods of instruction for each course offered. The school should have been in operation and the courses in use successfully for a minimum period of six months to become eligible for the approval of the Division of Readjustment Education. Those types of schools for which there is a recognized professional accrediting agency are required to have the approval of such agency.

(e) The number of clock hours of instruction provided must be approximately equal to recognized practice for each subject or course offered. There must be a full course program for a minimum of twenty-five hours per week. When the representative of the Division of Readjustment Education visits the school requesting approval, it should be possible for him to observe and evaluate classes in session which conform to this program. The school should offer courses of at least three month's duration.

(f) The school must submit evidence of reasonable opportunity for placement upon completion of the training program, or verification of a material contribution to the needs of the student.

(g) The qualifications for admission to the school must be in accordance with recognized practice. Admission must be on a selective basis that will insure acceptance of only those students who are fully qualified.

(h) The school must give a description of its promotional plan.*†

1404. All institutions not acceptable for approval on the basis of these criteria may request review of the application by the Committee on Approval of Schools for Veterans, which shall be appointed by the Superintendent of Public Instruction.*†

1405. Approval of a training institution applies only to Public Law 346, as amended, and is temporary. Continuance of approval is contingent upon constant maintenance of the prescribed standards.*†

1406. When, upon investigation, it is found that an approved school no longer meets the prescribed standards of the Division of Readjustment Education, approval will be withdrawn. Such a school will not be eligible for consideration for reapproval until a period of six months has elapsed from the date of disapproval.*†

1407. The school must secure the approval of the Division of Readjustment Education for changes in the program of instruction or for additions to the instructional staff.*†

1408. The approved school must notify the Division of Readjustment Education of any changes in the physical plant, equipment, or instructional aids. The Division must be notified of all personnel changes.*†

1409. With reference to the veteran students of any approved school, the only statement that may be made in any form of advertising is "Approved for Veterans." Special emphasis shall not be placed on this statement.*†

*† For statutory and source citations, see note to §1.

1410. Failure to comply with any one of the foregoing provisions of these regulations may result in the withdrawal of the approval of the Division of Readjustment Education.*†

1411. Before Approval Is Granted Each Item of Evidence Listed Below Must Be Submitted to the Division of Readjustment Education:

(a) Copy of school's latest financial statement.

(b) (1) Bank reference.

(2) Recommendations from at least five local business firms of recognized standing, attesting to the reputation and financial standing of the school.

(3) In addition, give five recommendations attesting to the professional reputation of the school.

(4) Give the names of four graduates of the school who will testify as to the quality of the school's training. (Form A.)

(c) Statement of the training and experience of the members of both the administrative and teaching staffs, together with a statement of administrative salaries and the number of hours per month each instructor is employed and his monthly salary. (Form B.) (Duplicate forms as needed.)

(d) A class schedule for each instructor indicating the subjects taught and the hours during which the instruction is given. (Form C.) (Duplicate forms as needed.)

(e) A complete inventory of the institution's physical facilities including both space and equipment. (A training program housed in a home will *not* qualify as a school.)

(f) Established courses of study which indicate objectives, content, and methods of instruction must be submitted in printed, mimeographed, or typed form for each course for which approval is requested.

(g) A statement of the number of weeks required to complete each course.

(h) A statement of all requirements for graduation from the school.

(i) A master schedule which establishes the fact that a full course program for a minimum of twenty-five hours per week is offered. (Form D.)

(j) Samples of the school's forms upon which attendance records are kept. It is most important that the attendance record used be satisfactory evidence of attendance. A record of every hour's attendance must be made.

(k) Evidence to indicate the extent of the value of the training program offered. (Records of graduates, etc.)

(m) Evidence of a satisfactory plan for admitting students to the school. Methods of administering the plan and standards of admission must be included.

(n) Copies of the school's catalog, brochures or leaflets and samples of the school's current advertising through press, radio, or direct mail.

(o) A report of the names, addresses, positions held, and salaries of all employees. (Form E.)

*† For statutory and source citations, see note to §1.

(p) A detailed itemized statement of all charges made to students. This must cover all charges for tuition, equipment costs, books, supplies, and any special fees.*†

1412. When the Final Review of a School's Application is Made, Each Item of Evidence Must Have Been Submitted in Satisfactory Form and Must Have the Unqualified Approval of the Division of Readjustment Education.*†

FORM 2

State of California
Department of Education
Division of Readjustment Education

APPLICATION FOR APPROVAL AS A SCHOOL FOR THE TRAINING OF VETERANS UNDER TITLE II, PUBLIC LAW 346, 78TH CONGRESS

Date_____

I. Name of school_____
Location_____ Telephone_____
Ownership of institution:
Proprietorship or Partnership_____
(Name and address)

If a corporation:
List names and addresses of members of Board of Directors:

Name and title of administrative head_____
Date of founding_____Has the school been in continuance operation since that date?_____
What is the enrollment on this date?_____Fulltime_____Part-time_____
Has the school been approved in any way by a recognized state, regional, national board or professional association_____
If so, give name and address_____

List degrees authorized to grant_____

Name the courses for which you wish approval:

FORM A

REFERENCES

1. Bank Reference:

2. Character and Financial References:

Name	Position	Address	Tel. No.

3. Professional References:

Name	Position	Address	Tel. No.

*† For statutory and source citations, see note to §1.

4. Graduates—References:

Name	Position	Address	Tel. No.

FORM B

TEACHING AND ADMINISTRATIVE PERSONNEL

Name of School_____

Give the following information for each administrator, supervisor and teacher who will be engaged in the veterans' program

Name, position and subjects taught
Salary_____

Education

High School	*From*	*To*	*Majors*	*Degrees*	*Date*
College or University					

Teaching Experience

Institutions	*From*	*To*	*Subjects*

Trade or Business Experience

Firms	*Address*	*From*	*To*	*Occupations*

In this school since (date)_____
Subjects or courses taught_____Full-time_____No. Hrs._____
Part-time_____No. Hrs._____

Additional information on other side.

FORM C

INDIVIDUAL TEACHER CLASS SCHEDULE

Indicate in appropriate space time of instruction and subject taught
Instructor_____

Hours	M	T	W	Th	F	S

FORM D

SCHOOL

Master 25 Hour Class Schedule
Indicate in appropriate space time of classes and subjects taught:

Hours	M	T	W	Th	F	S

FORM E

REPORT OF ALL EMPLOYEES

Name	Address	Position	Tot. Hrs. Worked Per Mo.	Monthly Salary

FORM 1
3/20/46

Article 2. Approval of Correspondence Schools for Education and Training of Veterans

1420. Approval of Correspondence Schools for Education and Training of Veterans. Correspondence schools for the education and training of veterans under Title II of Public Law 268, 78th Congress will be approved by the Department of Education when found to meet the following standards:

(a) School must be on a sound financial basis, such condition to be attested by responsible business firms, individuals, or credit associations. With application include a copy of the school's latest financial statement.

(b) Instructional services—An adequate staff of competent instructors shall give personal guidance and instructional service to students on each lesson or unit assignment. These instructors must have qualifications equivalent to the minimum standards of teachers in public adult day and evening schools, in the special fields in which they are at work.

(c) Text materials must adequately cover the field claimed, be accurate, be of current value, be well illustrated with descriptive cuts (whenever possible), be carefully organized, and presented in a pedagogical manner.)

(d) The school must submit established courses of study which indicate objectives, content, and methods of presentation for each course offered.

(e) With the formal application (Form 2) must be filed:

(1) One set of all current advertising copy, sales literature, form letters, sales talks, collection forms, student contracts, etc., used by the applicant.

(2) One complete set of all lesson papers, texts, assignments, etc., for each course offered.

(3) Samples of a dozen to fifteen criticized and graded student lesson papers.

(f) The content of all courses and the length of time required for their completion must be approximately equal to recognized practice for each subject or course offered.

(g) The school must submit evidence of reasonable opportunity for placement upon completion of the training program. Completion of specific courses must be acceptable evidence for admission to an advanced course or to employment at the level which could normally be attained in a like period of training time.

(h) Qualifications for enrollment as a student for any course or courses of training offered by the school must be in accordance with recognized practice.

(i) Names and addresses of all employees of the school must be included, together with a complete description of the training and experience of all administrative and instructional staff members.

(j) The school must have been operating successfully as such for a period of at least six months prior to its application for approval. Evidence must be submitted that students have completed the courses offered and have found the training to be of real value.

(k) Ethical standards:

(1) The officers and personnel (including the sales organization) of each school is required to have a satisfactory reputation for business and professional integrity.

(2) The school is required to be operated in conformity with the Trade Practice Rules for Private Home Study Schools approved by the Federal Trade Commission, November 2, 1936. (The following is a condensation of those rules:)

(3) The following practices and representations by schools are specifically forbidden:

(A) The making of false, untrue and deceptive statements regarding:

1. The actual or probable earnings or opportunities in any vocation or opportunity therein as a result of completion of any given course of instruction;

2. The services to be rendered in connection with the securing or attempting to secure employment or a raise in pay or the guarantee of a job upon the completion of a given course of instruction;

3. An offer as being "limited" or "special" or "reduced" when in fact it is not;

4. The character or credit rating of a competitor, or the nature, quality, value or scope of his course of instruction;

5. The membership of the faculty and the nature of the instruction given; and

6. That the school is operated "not for profit."

(B) The use of a "money-back" agreement when conditioned upon an improbable contingency, or the use of the word "guarantee" in any connection therewith;

(C) The offer of a scholarship or partial scholarship when in fact such offers are not bona fide;

(D) Representing that any commodity or service is "free" when in fact such commodity or service is regularly included as a part of the course of instruction or service.

(E) The use of any name, title or other designation which does not indicate the true character of the institution or its courses of instruction.

(F) The issuance of any certificate, diploma, or degree which misrepresents the course of study covered, or accomplishment or standing of the student receiving it.

(G) The use of the "Help Wanted" columns or "blind advertisements" to attract prospective students.

(H) The use of papers simulating court documents to effect collection of tuition fees.

(I) The use of photographs, cuts or illustrations in such a manner as to convey a false impression as to the size, importance or location of the office or building occupied by the school; and

(J) Willfully inducing the enrollment or retention of a student for any course of instruction or training for a job for which he is manifestly unfit by reason of educational or physical disqualification.*†

*† For statutory and source citations, see note to §1.

1421. All institutions not acceptable for approval on the basis of these criteria may request review of the application by the Committee on Approval of Schools for Veterans, which shall be appointed by the Superintendent of Public Instruction.*†

1422. Approval based upon the conditions set forth in the evidence submitted by the applicant school is contingent upon the maintenance of these standards. The applicant school must notify the Division of Readjustment Education of any changes in facilities, programs offered, administration, supervision or instructional and sales personnel.*†

1423. No institution shall use the fact of approval for veterans' education in its advertising or for recruiting students. This does not preclude a simple statement of the fact of approval in advertising, catalogs, circulars or bulletins. Any institution violating this provision may be removed from the approved list.*†

1424. *Specific questions arising subsequent to the following adoption of the regulations have resulted in the following interpretations:

(a) Approval of a training institution applied only to Public Law 268 and is temporary. Continuance of approval is contingent upon constant maintenance of the prescribed standards.

(b) The Division of Readjustment Education of the Department of Education shall be notified of all changes in administration, programs offered, facilities and of additions in personnel. Failure to comply may result in removal from the approved list.

(c) Section D does not preclude the use of a simple statement of the fact of approval in advertising. Special emphasis shall not be made of the approval, however, and a violation of this provision may result in removal from the approved list.*†

*† For statutory and source citations, see note to §1.

shall be available for regular college duties during the regular academic sessions.*†

999. Deans are considered members of the college faculty and those employed on a full-time basis shall be available for regular duties for 10 calendar months of each fiscal year, which period shall include the regular sessions.*†

1000. Librarians and registrars are considered members of the college faculty and those employed on a full-time basis shall be available for regular duties for 11 calendar months during each fiscal year.*†

1001. All other State college employees shall be entitled to an annual vacation aggregating 15 working days.*†

NOTE.—State college employees shall be entitled to exercise the same accumulation of vacation rights as other State employees generally.

1002. All full-time State college employees engaged in work falling partly into two or more of the classifications enumerated in the above Rules, Sections 998 to 1001, inclusive, shall be entitled to proper vacation privileges in accordance with the classifications of work in which engaged and in the fraction to which the work in each classification bears to a total full-time employment.*†

1003. Employees shall be classified on the basis of the type of work performed rather than upon the basis of academic rank for purposes of determining into which of the above categories they shall be listed.*†

1004. All California Polytechnic School employees whose schedules, because of the Naval Flight Preparatory School program, require that they work on days regularly observed as holidays by other employees of the school not engaged in the program, shall be allowed compensating days off for the holidays thus worked. This compensating time off may be taken at any time agreeable to the appointing power, but shall not be considered a part of the annual vacation of the employee as provided in Sections 998, et seq., of the Regulations Governing California State Colleges.*† (Approved by Director of Education, January 18, 1944.)

(Section 20379, Education Code)
[Regulation of Director of Education]

Article 15. Tuition Fees and Refunds

1008. Tuition Fees and Refunds. Tuition and service and materials fees may be collected from State college students in accordance with provisions of Section 20343.1, Education Code.*†

1009. Amounts collected as fees may be returned to students from funds available in the local college cash State account in accordance with the following Regulations:

(a) Tuition fees (Regular session) refund.

(1) The tuition fee charged a resident or a non-resident student may be refunded if written application for refund is made not later than three weeks from the date of the student's registration, provided, that the parent or legal guardian of the

*† For statutory and source citations, see note to §900.

student, if a minor, or the duly authorized representative of a student who is of majority may present the application when the student is, in the opinion of the president of the college, unable to make application personally, and provided further, that the amount of $1.50 per semester or $1.00 per quarter shall be retained to cover the cost of registration. In case a student is unable to continue a course due to a college regulation or in the event of compulsory military service the entire fee may be refunded, but in each such case the circumstances concerning the application of such regulation must be stated on the application. Nothing in this Rule shall prevent the president of the college from accepting and approving an application if, in his opinion, the student was prevented by physical incapacitation due to illness or accident from making application within the limits set forth above.

(2) When a student transfers from the classification of limited to regular, or from regular to limited, or reduces the number of units for which a student is registered in a limited classification, $.50 shall be withheld as a charge to defray the cost of bookkeeping.

NOTE.—A regular student is one registered for over five units of credit; a limited student is one registered for five or less units.

(3) A late registration fee is not returnable.

(b) Service fees refund.

(1) Service fees may be collected at the time the student registers or later.

(2) When a student withdraws from the college or from any course, any unused portion of the service fees paid by the student may be refunded, provided, that the financial secretary or comptroller shall certify to the correctness of the unused portion.

(3) A student entering any class, in which a service fee is charged, shall pay the full fee irrespective of the time when the class is entered.

(Section 20343 Education Code)

[Regulations of Director of Education]

(c) **Summer Session Tuition Fees Refund.** A portion of the summer session tuition fee charged any student may be refunded, provided that, in the case of a student who has paid the six weeks' tuition fee, $5.00 shall be retained as a registration charge, and of the remainder, one-fourth shall be retained for each week or major fraction thereof during which the student remains registered; provided that, in the case of a student who has paid the three weeks' tuition fee, $4.00 shall be retained as a registration charge, and of the remainder, one-half shall be retained for each week or major fraction thereof, during which the student remains registered; and provided further that, in the case of a student who registers for a part-time program, $1.00 per unit shall be retained for each week or major fraction thereof during which the student remains registered.

*† For statutory and source citations, see note to §900.

has paid the three-weeks tuition fee, $6 shall be retained as a registration charge, and of the remainder, one-half shall be retained for each week or major fraction thereof during which the student remains registered; and provided further that in the case of a student who registers for a part-time program, one dollar per unit shall be retained for each week or major fraction thereof during which the student remains registered.

In case a student is unable to continue a course due to a college Regulation, the entire fee may be returned, but in each such case the circumstances concerning the application of such Regulation must be stated on the application.*† (Filed 3-18-47; Effective 3-18-47) (Section 20343 Education Code.)

1010. Application for refunds shall be made to the president of the college in writing, stating the cause of withdrawal. If the refund is recommended by the president, he shall request the Director of Education that the refund be approved, accompanying such request with the information requested on the application refund blank.

(a)

APPLICATION FOR REFUND OF FEES*

_____STATE COLLEGE

(Date)

_____, President

_____ State College

I respectfully request a refund of fees paid by me in the amount of $_____, composed of:

Tuition	$_____
Materials and Service	$_____
Deposits	$_____

My reason for requesting this refund is_____

Very truly yours,

I hereby certify that fees in the amount of $_____

Tuition	$_____
Materials and Service	$_____
Deposits	$_____

were collected by me on receipt # _____, on _____, that this request was
(date)

filed with me before expiration of the time limit as provided on the reverse side hereof and that an unexpended balance of materials and service fees and deposits is due in the amount requested.

Comptroller or Financial Secretary

REQUEST APPROVED:

(College Official Responsible)

*†

*† For statutory and source citations, see note to §900.

California Maritime Academy

1011. The fee charged a resident or non-resident student may be refunded when the application for such refund is approved by the Board of Governors, provided, that the parent or legal guardian of a student who is a minor or the duly authorized representative of a student who is of majority may present the application when the student himself is, in the opinion of the Board, unable to make application; and provided further, that in the case of a resident student $45 for the first month or fraction thereof and $20 for each succeeding month or fraction thereof, or in the case of a non-resident student $90 for the first month or fraction thereof and $40 for each succeeding month or fraction thereof be retained by the academy to cover expenses incident to the enrollment and attendance of the student.

APPLICATION FOR REFUND OF FEES
CALIFORNIA MARITIME ACADEMY

Prepare in Triplicate

Name of Student_____
Date of Registration_____
Date Fee Paid_____Receipt No._____Amount of Fee Paid_____
Date of Withdrawal_____

I hereby certify that the above information is correct.

Secretary or Superintendent Commander

Amount of Refund Requested by Student $_____
Reason for Withdrawal: _____

Signature of Student, Parent, or legal Guardian

Action Recommended by Superintendent-Commander_____

Superintendent-Commander
Action of Board of Governors_____

Secretary *†

Children of Disabled Veterans with Annual Incomes of $1,800.00 or Less

1012. No child of any United States veteran disabled in the United States Military Service, who has a service connected disability, and whose annual income not including governmental compensation for such service connected disability does not exceed $1,800, shall pay any tuition or incidental fees for attendance in a California State college.*†

1013. The amount of the annual income shall be computed on the basis of the veteran's income during the calendar year immediately preceding the day when the child of the veteran actually registers in the college.*†

*† For statutory and source citations, see note to §900.

(*l*) **Santa Barbara College, University of California**
Kindergarten-Primary Credential
General Elementary Credential
Junior High School Credential
General Secondary Credential
Special Secondary Credentials in
Art
Homemaking
Industrial Arts
Music
Physical Education, Men and Women
(Filed 5-16-47; Effective 5-16-47)

(m) **University of Southern California, Los Angeles**
Special Secondary Credentials in
Correction of Speech Defects*†

(n) **College of Pacific, Stockton**
Administration Credential
Secondary School Administration

(o) **California College of Arts and Crafts**
Special Secondary Credential in Art

(p) **Claremont Colleges, Claremont**
Special Secondary Credential in
Music
General Administration Credential
(Filed 5-16-47; Effective 5-16-47)

(q) **Humboldt State College, Arcata**
General Secondary Credential
Special Secondary Credentials in
Art
Music
Homemaking
(Filed 5-16-47; Effective 5-16-47)

(r) **Whittier College, Whittier**
Junior College Credential
(Filed 5-16-47; Effective 5-16-47)

*† For statutory and source citations, see note to §800

Article 5. Schedule of Reaccreditation Dates of California Teacher Education Institutions

834. Schedule of Reaccreditation Dates of California Teacher Education Institutions.

Institution and credential	Year				
	1947-1948	1948-1949	1949-1950	1950-1951	1951-1952
1. University of California		X			
2. University of California at Los Angeles	X				
3. Santa Barbara College, University of California	X				
4. California Polytechnic School					X
Special Secondary in Physical Education		X			
5. Chico State College				X	
General Secondary		X			
Elementary School Administration		X			
Elementary School Supervision		X			
Special Supervision		X			
6. Fresno State College		X			
7. Humboldt State College				X	
General Secondary			X		
Special Secondary Credentials in					
Art			X		
Music			X		
Homemaking			X		
Elementary School Administration					X
Elementary School Supervision					X
Special Supervision					X
8. San Diego State College				X	
General Secondary		X			
Elementary School Administration		X			
Elementary School Supervision		X			
Special Supervision		X			
9. San Francisco State College				X	
General Secondary		X			
Elementary School Administration		X			
Elementary School Supervision		X			
Special Supervision		X			
Secondary School Supervision		X			
10. San Jose State College				X	
General Secondary Credential		X			
Librarianship		X			
Special Secondary Credentials in					
Art		X			
Business Education		X			
Homemaking		X			
Industrial Arts		X			
Music		X			
Physical Education		X			
Speech Arts		X			
Speech Correction		X			
Elementary School Administration		X			
Elementary School Supervision		X			
Special Supervision		X			

Institution and credential	Year				
	1947-1948	1948-1949	1949-1950	1950-1951	1951-1952
11. Stanford University		X			
12. University of California				X	
Special Secondary in Correction of Speech Defects	X				
13. Chapman College	X				
14. Claremont Colleges					X
Special Secondary in Music		X			
General Administration	X				
15. Dominican College		X			
16. Mills College				X	
17. Occidental College		X			
Junior College Credential		X			
18. College of the Pacific				X	
Secondary School Administration		X			
19. University of Redlands		X			
20. Whittier College					X
Junior College Credential		X			
21. Immaculate Heart College				X	
22. San Francisco College for Women	X				
General Secondary			X		
23. Mt. Saint Mary's College	X				
General Secondary					X
24. College of the Holy Names	X				
General Secondary			X		
25. George Pepperdine College	X				
26. La Verne College		X			
27. California College of Arts and Crafts		X			

(Filed 5-16-47; effective 5-16-47)

*† For statutory and source citations, see note to §800.

Article 6. Acceptance for Credential Purposes of Credit Earned in Institutions not Included in the List of Accredited California Teacher Education Institutions

844. Acceptance for Credential Purposes of Credit Earned in Institutions Not Included in the List of Accredited California Teacher Education Institutions. (a) Appropriate undergraduate credit earned in universities and in colleges offering a four-year program leading to a standard baccalaureate degree may be accepted as meeting undergraduate credit requirements for California credentials if the credit is earned in universities and colleges on the list of institutions accredited by the Association of American Universities, the American Association of Teachers Colleges, the Southern Association of Colleges and Secondary Schools, or the North Central Association of Colleges and Secondary Schools.

(b) Appropriate credit earned in teacher education institutions accredited by a recognized professional association or by other recognized competent authority may be accepted as meeting undergraduate credit requirements for California special subject credentials in the respective fields.

(c) Appropriate undergraduate credit earned in a non-accredited educational institution may be accepted as meeting undergraduate credit requirements for California credentials, if the applicant verifies unconditional graduate standing in a recognized high standard teacher education institution which offers an advanced degree. (§§800 to 844, inclusive, filed 5-10-46; effective 5-10-46.)*†

*† For statutory and source citations, see note to §800.

within five days of the date workers left such work, shall notify the Department of Employment at its office in Sacramento. Such notification should include:

(1) The name and address of the employing unit;

(2) Each worker's full name;

(3) Each worker's social security number;

(4) The date each worker left his work;

(5) A statement that a trade dispute exists;

(6) The names and addresses of all unions claiming to represent any of the workers listed; and

(7) Such other information as may be prescribed by the Department.

The employer shall furnish a copy of such notice to each of the unions listed in (6) above.

(e) Any base period employer to whom a notice of the computation of a claim is required to be given under Section 230(b) may within seven days from the receipt of such notice, protest the accuracy of the computation. Such protest shall be filed with the Department at its Central Office in Sacramento and shall set forth the basis for the protest.

(f) With respect to a particular notice, if good cause is shown therefor, an employing unit may be granted additional time in which to comply with the requirements of this Section.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 9-23-47 (Register 10, No. 1).

232. Appeals by Employing Units. (a) An employing unit may file an appeal from any determination, notice of which he is entitled to receive in accordance with Section 230, provided, however, that an appeal from a determination on the protest of the computation of a claimant's weekly rate or maximum benefit amount shall be limited to questions as to the amount of base period wages, weekly benefit rate, maximum benefit amount, and as to whether the individual is unemployed.

(b) An appeal shall be filed within seven days after notification of the determination as provided in Section 230, or within seven days after the date such notification was mailed to the last-known address of the employing unit unless good cause for late filing is shown.

(c) In the absence of an appeal, such determination shall become final and shall not be subject to protest under Section 41.1(b) of the Act.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 9-23-47 (Register 10, No. 1).

233. Notices to Claimants. A claimant shall be notified in writing of the computation of his weekly benefit rate and maximum benefit amount, of any recomputations thereof, and of any determination denying benefits and of the reasons therefor.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 9-23-47 (Register 10, No. 1).

234. Filing of Appeals by Claimants. (a) A claimant, within seven days after receipt of a notice of computation of weekly benefit rate

and maximum benefit amount, may file a request for reconsideration thereof.

(b) A claimant aggrieved by any determination may file an appeal therefrom within seven days after notification thereof or within seven days after the date such notification was mailed to his last-known address; provided, that if reconsideration of a computation has been requested pursuant to Paragraph (a), the claimant may file an appeal from the action on such request within seven days after notification thereof or within seven days after the date such notification was mailed to his last-known address.

(c) A claimant may for good cause be granted additional time in which to comply with the requirements of this section.

History: 1. Originally published 4-1-45 (Title 22).
2. Amendment filed 9-23-47 (Register 10, No. 1).

Article 24. Benefit Rights Of Trainees

240. Reestablishment of Balances. The unexpended balance of benefits remaining to the account of any trainee on the date of his induction into active service with the armed forces of the United States shall be reestablished to his account if a claim is filed by such trainee within 65 weeks after the date that his military service was terminated. Such reestablished balance shall lapse at the expiration of 65 weeks from the week in which the termination of service in the armed forces occurred, regardless of the date that the claim was filed to reestablish such balance.

241. Waiting Period. Provided that the waiting period was completed prior to the date that the trainee entered military service, no additional waiting period shall be required of such trainee, for the purpose of drawing reestablished balances.

242. Filing of New Claim. Any week after the week in which reestablished balances are exhausted, a trainee may file a new claim. The first day of the week in which such claim is filed shall be the beginning date of the new benefit year and the base period shall be the first four out of the last five completed calendar quarters prior to the first day of the week of the filing of the claim, omitting any quarters excluded by paragraph (4) of Section 57.7, of the Act.

243. Benefit Year and Base Period. The benefit year of any trainee who does not have an unexpended balance of benefits at the time of his induction shall be 52 weeks from the first day of the first week following the date of termination of military service provided a claim is filed within 52 weeks after the termination of such service and the base period of such claims shall be the first four out of the last five completed calendar quarters immediately prior to the first day of the benefit year, omitting any quarters excluded by paragraph (4) of Section 57.7 of the Act.

244. Applicability of Regulations. Claims filed by trainees either to reestablish unexpended balances or to establish new claims in accordance with Section 57.7 of the Act, shall be made in accordance with

will be applied to the extinction of obligations in the following order:

(A) Penalty due at the time of payment.

(B) Interest due at the time of payment.

(C) Contributions due at the time of payment.

(D) Obligations secured by a lien or collateral undertaking, which are unpaid at the time of payment.

(b) In applying an unallocated payment to contributions, the payment will be applied to successive reporting periods in chronological sequence, with the oldest reporting period first. An unallocated payment which is applied to contributions and is insufficient to cover the entire balance which is outstanding for a reporting period will be applied, first, to the amount of worker contributions, and second, to the amount of employer contributions due for that reporting period at the time of payment. (Amended, Effective June 1, 1945)

Article 8. Assessment of Contributions (Rescinded. Filed January 28, 1945)

80. Levy of Assessment. (Rescinded. Filed December 28, 1945.)

81. Petition for Review or Reassessment. (Rescinded. Filed January 28, 1945.)

Article 9. Refund of Contributions

90. Refunds and Credits to Employing Units. (a) Contributions, interest or penalties erroneously collected may be credited or refunded to the employing unit which paid such contributions and interest or penalties, subject to the limitations prescribed in this section. Claims for refund or credit must be made not later than three years from the last day of the calendar month following the close of the calendar quarter for which the contributions, interest or penalties were paid; or, with respect to payments made pursuant to an assessment levied under Sections 45.5 or 45.6, within six months after such assessment became final; or within 60 days from the date on which the payment was made, whichever period expires the later.

(b) All grounds and facts alleged in support of the claim must be clearly set forth. The employing unit shall furnish such proof in support of the claim as may be reasonably necessary at the discretion of the Department to support the validity and amount of the claim and the fact that the employing unit making the application for refund is legally entitled thereto.

(c) A claim may be denied in whole or in part by the Department, notice of which shall be served upon the employing unit. A claim shall be denied upon the failure by the employing unit to furnish such reasonable proof in support of its claim within 30 days after written demand therefor by the Department or within any extended period granted by the Department upon written request made within the 30-day period.

*† For statutory and source citations, see note to §10.

Every denial of a claim for refund is subject to the right of the employing unit to file with the Appeals Board a petition for review of the claim in accordance with the provisions of Section 45.11 of the act.

(d) If the Department determines that the claim is allowable in accordance with the act and these regulations it shall so find and make an adjustment as follows:

The amount of the overpayment less wage-earner contributions erroneously deducted from workers shall first be applied against any unpaid contributions, interest or penalty due from the employing unit. The remainder of such portion of the overpayment shall be refunded to the employing unit.

(e) With respect to wage-earner contributions withheld from workers which are included in any claim for refund which has been allowed by the Department the employing unit shall submit to the Department satisfactory evidence that refund has been made its employees of such contributions or that it has been unable to make the refunds or a portion of them. Satisfactory evidence of such refunds may be in the form of a certified list of paid checks by which the refunds were made or in the form of receipts signed by the workers. If any of the refunds can not be made because the employees have left the employ of the employing unit, the employing unit shall submit to the Department a certified list of such erroneous wage-earner deductions showing the names, Social Security account numbers, and last known addresses of the workers and the amounts due each of them. The Department shall deduct from the refund or credit due the employing unit for wage-earner contributions included in the claim the aggregate amount of such wage-earner contributions which have not been refunded to the workers and withheld it in trust for the wage-earners to whom the overpayments are owing. Such contributions shall be refunded to the workers by the Department wherever it is practicable to do so.

(f) The "date of allowance" of a refund or credit shall be that date on which either of the following first occurs:

(1) A notice is mailed by the Department to an employing unit advising it of the overpayment of any amount of contributions, interest or penalties, or

(2) A claim for refund or credit has received final approval in accordance with procedures established by the Department. (Filed December 28, 1945.)*†

Article 10. Experience Rating

100. Experience Rating. (a) An employer may be entitled to a contribution rate below the general rate prescribed in Section 38 of the act provided his net balance of reserve computed in accordance with Section 42 of the act is 7½ per cent or more of his average pay roll as defined in Section 42(d) and such employer otherwise qualified for a reduced contribution rate in accordance with the provisions of the act.

(b) No employer shall be considered eligible for a contribution rate of less than 2.7 per cent unless the reserve account of such employer

*† For statutory and source citations, see note to §10.

Printed March 22, 1945

Subchapter 2. Division of Highways

Article
1. Traffic Rules and Regulations for San Francisco-Oakland Bay Bridge.

Article
2. Distinctive Marking for State Highways Indicating No Crossing Over or Driving to the Left Thereof.

CROSS REFERENCE

Outdoor Advertisers—See Title 4. Business Regulations

Article 1. Traffic Rules and Regulations for San Francisco-Oakland Bay Bridge

1401. All vehicles which do not comply with all height, length, or weight limitations set forth in the Vehicle Code shall be permitted on the bridge only by special permit issued in advance by the Principal Bridge Engineer of the San Francisco-Oakland Bay Bridge or by his duly authorized agent. Application for such permit must be made at the main toll plaza at least one day prior to the time it is to be used. ATTENTION IS CALLED TO THE SCHEDULE OF TOLLS ON VEHICLES REQUIRING SPECIAL PERMIT.

NOTE.—§§ 1401 to 1406, inclusive, issued under authority contained in Section 609, Vehicle Code. The source of §§1401 to 1406, inclusive, is the Rules and Regulations of the Department of Public Works.

1402. None of the following will be permitted on the bridge:

(a) Vehicles with flat pneumatic tires or metal tires.

(b) Tank trucks or trailers for gasoline, kerosene, distillate, butane, naptha, and other petroleum products which give off inflammable vapors (as determined by flash point from Tagliabue's open cup tester as used for tests of burning oils) at or below a temperature of 80° F. Such tank trucks may use the bridge if empty, providing they are new and have never been loaded or, if they have been loaded, they must be filled with water at the time of passage. Water will be charged for as freight.

The driver of any tank truck or trailer crossing the bridge and not violating the above restrictions must have a bill of lading, letter, or other form of shipping paper, signed by a responsible officer of the shipping company, showing the contents of the tank or tanks.

Inspection of westbound tank trucks and trailers will be made at the main toll plaza before entry will be permitted on the bridge. Eastbound tank trucks and trailers must apply for a permit before entry upon the bridge. An officer of the bridge will meet the vehicle at the bridge entrance at the appointed time and, on verification of truck contents and affidavit, will hand the driver the permit to cross.

Collection of toll based on gross weight of vehicle and contents will not be enforced on this type of permit load, provided, the vehicle conforms in other respects with the Vehicle Code.

Gasoline and kerosene in drums of 52-gallon capacity, or less, and with not more than six drums per truck will be permitted on the bridge.

Oxygen, acetylene, and butane in standard containers, properly secured in a truck or truck trailer, will be permitted.

Fuel oil, road oil, and hot road mix are permissible.

(c) Push carts, wheelbarrows and similar vehicles.

*† For statutory and source citation see note to §1401.

(d) Other vehicles which in the judgment of the Department are likely to endanger persons or property or to render the use of the bridge unsafe.*†

1403. The upper deck of the bridge shall be restricted to passenger automobiles, ambulances, commercial or light delivery automobiles, taxicabs, motorcycles and tricars. The lower deck shall be restricted to the passage of trucks, buses and such other vehicles as are not permitted on the upper deck.*†

1404. No "U" turns shall be made on the bridge except with the permission and under the direction of a member of the California Highway Patrol or a uniformed employee of the Department of Public Works.*†

1405. Tire changes and repairs shall not be made on the bridge except when authorized by a member of the California Highway Patrol and done in his presence.*†

1406. The attention of all drivers is directed to the provisions of Section 514 of the Vehicle Code, prohibiting the operation of a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. Particular attention is also called to the provisions of the Vehicle Code requiring appropriate arm signals to indicate the intention to stop, turn, or slow down.*†

Article 2. Distinctive Marking for State Highways Indicating No Crossing Over or Driving to the Left Thereof

1411. Distinctive Marking for State Highways Indicating No Crossing Over or Driving to the Left Thereof. Said distinctive roadway markings are hereby determined to be double lines, as follows:

(a) A double line consisting of two parallel solid white lines, each four inches in width, separated by a black line three inches in width or a corresponding width of pavement; or

(b) A double line consisting of two parallel lines, one of which shall be a solid white line and one a broken white line, each four inches in width, separated by a black line three inches in width or a corresponding width of pavement; provided, that whenever the marking hereinbefore authorized shall consist of a combination of a solid line and a broken line, traffic proceeding on that side of the highway in which such broken line is in place may cross over such double line or drive to the left thereof when overtaking or passing other vehicles; provided, further, that the term broken line as used herein shall mean a line in which the breaks or unpainted portions thereof do not exceed twenty-six feet in length and the solid or painted portions thereof between such breaks are not less than eight feet in length.

The State Highway Engineer, or his authorized representative is hereby authorized and directed to designate by such markings portions of State highways where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such markings.

*† For statutory and source citations, see note to §1411.

The foregoing regulation shall supersede all regulations, or amendments thereof, heretofore adopted fixing distinctive markings for State highways for the purpose of indicating no driving to the left thereof, and particularly the order of the Director of Public Works, dated September 19, 1939, and the amendment thereof, dated March 10, 1942; provided, however, that distinctive roadway markings heretofore placed upon any State highway pursuant to said order and amendment shall continue to indicate that no driving is permitted to the left thereof in accordance with the terms of said superseded orders until such time as such markings shall be replaced by the distinctive markings hereby designated and ordered.

NOTE. §§1411 to 1412, inclusive, issued under the authority contained in Section 525, Vehicle Code. The source of §§1411 to 1414, inclusive, is the Rules and Regulations of the Department of Public Works.

1412. No signs shall be required to be placed in connection with the distinctive markings hereby authorized; provided, that nothing herein contained shall prohibit the erection of signs at such locations as may be determined upon by the State Highway Engineer.*† (Filed 2-25-47)

*† For statutory and source citations, see note to §1411.

CHAPTER 7. WEARING APPAREL, MINIMUM FIRE SAFETY STANDARDS

Article
1. Authority, Purpose, Scope and General Application
2. Definitions
3. Group Classification of Articles
4. Determination, Manufacture or Sale, and Penalty
5. Specific Testing Procedure
6. Test Methods
7. Preparing Specimens for Test
8. Specifications for "Rate of Burning" Testing Apparatus
9. Specifications for "Ignition Testing" Testing Apparatus
10. Specifications for Combing Device
11. Use of Flame-Retardant Chemicals

Article 1. Authority, Purpose, Scope and General Application

1101. Authority. Section 19813 of the Health and Safety Code provides that: "The State Fire Marshal may make such rules and regulations relating to inflammable articles as defined in Section 19810 as may reasonably be necessary to effectuate the purposes of this act and prevent the risk of fire and avoid the hazards of injury to life and property in this chapter described. He shall mail copies of all rules and regulations and amendments thereto to all vendors and trade associations filing a written request for such notification with him."

NOTE—§§ 1101 to 1159, inclusive, issued under authority contained in Section 19813, Health and Safety Code. Source of §§ 1101 to 1159, inclusive, is the Rules and Regulations of the State Fire Marshal.

1102. Purpose. It was recently called to the attention of the California State Legislature that various natural or synthetic fibers adapted and adaptable for use in the making of articles of wearing apparel are in some instances so highly inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and property. These rules and regulations are for the purpose of regulating the manufacture and sale of such articles as are determined by the State Fire Marshal to present a dangerous risk of fire and hazard of injury to persons or property.*†

1103. Scope. These rules and regulations shall govern the manufacture and sale in the State of California of all articles of wearing apparel, cloth, drapery or other fabric or material made from or containing any natural or synthetic fiber or any other material used for or intended for use in wearing apparel and which will not successfully pass the tests set forth in this chapter and thereby constitute a dangerous risk of fire and hazard of injury to persons and property.

These rules and regulations are not intended to cover such articles as hats (other than caps and hoods), footwear, gloves, hand-muffs, spectacles, pocketbooks, bill-folds and similar accessories, or interlining materials the surface of which is not exposed.

These rules and regulations shall be deemed to include yardage goods of the "Inflammable Article" type sold or offered for sale unless such inflammable materials are labeled with a plainly visible label stating: "*Dangerously inflammable. This material should never be used in wearing apparel.*" *†

*† For statutory and source citations, see note to §1101.

1104. General. Experiment and research has proven that, to prevent the risk of fire and avoid the hazard of injury inherent in certain types of garments and wearing apparel, it is necessary that such fabrics be subjected to uniform burning tests in a uniform way after having been prepared in a standard manner. The tests should disclose two things:

(a) The relative speed with which flame will travel either over the surface of the material or through the material itself.

(b) The relative flash or ignition properties of the material.*†

1105. The results of such tests determine the "relative hazard" of the material in comparison to a material that through experiment and actual use has shown that it does not present a greater than normal hazard. It is recognized that no single method could be established that would determine the relative hazard in every type of fabric or material and for that reason these rules and regulations specify that certain types of materials shall be subjected to certain specific tests.*†

1106. Test and experiment have also disclosed the fact that some articles burn much more intensely than others and the fire is usually more difficult to extinguish. Obviously this inherent quality increases the hazard to persons wearing garments made from this type of material, but no standard method has as yet been devised to determine the relative intensity with which an article burns nor the relative resistance to extinguishment of a fire therein. Until some standard method of testing these inherent qualities is discovered, it is necessary to depend upon the judgment of the person testing such material. Testing laboratories conducting inflammability tests on articles should include in their report a statement of their opinion as to the intensity with which the material burns and whether or not a fire in the material resists extinguishment.*†

Article 2. Definitions

1109. Definitions. For the purpose of these rules and regulations the following definitions are given.*†

1110. "Article" as used in this chapter means and includes any article of wearing apparel, cloth, drapery, or other fabric or material made from or containing any natural or synthetic fiber or any other material used or intended for use in wearing apparel.*†

1111. "Drapery" as used in these rules and regulations is construed to mean articles, materials, or fabrics that are draped about the person, such as confirmation veils, wedding veils, etc.*†

1112. "Inflammable Article" as used in this chapter is any article determined by the Fire Marshal to be so highly inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and property, taking into consideration the use or uses for which the article is made and designed to service.*†

*† For statutory and source citations, see note to §1101.

1113. "Vendor" as used in this chapter means any individual, firm, or corporation engaged in the manufacture or sale of articles as herein defined.*†

1114. "Flame-Retardant Chemical" as used herein means any chemical, chemical compound, or chemical mixture which when properly applied to any fabric or material will render that fabric or material incapable of supporting combustion to the extent that it will successfully withstand the fire-resistance tests adopted by the State Fire Marshal as set forth in this chapter.*†

Article 3. Group Classification of Articles

1117. In order that the various articles may be dealt with in accordance with their peculiar characteristics, they will be divided into groups and will hereafter be referred to in accordance with the following:

(a) **Group I Articles.** All articles having a brushed, napped, or piled surface shall be considered as "Group I Articles."

(b) **Group II Articles.** All articles which have a smooth surface and have been impregnated with an inflammable sizing, filler, or coating, or which are made from a solid pliable film, shall be considered as "Group II Articles."

(c) **Group III Articles.** All fine sheer, or light-weight fabrics such as voile, marquisette, chiffon, veiling, netting and similar diaphanous materials shall be considered as "Group III Articles."

(d) **Group IV Articles.** Any other articles of wearing apparel that are not included in Groups I, II, or III shall be considered as "Group IV Articles."*†

Article 4. Determination, Manufacture or Sale and Penalty

1118. Determination. It is determined that any article that will ignite or burn at a rate greater than that indicated in these rules and regulations, or is deemed hazardous by reason of the relative intensity with which it burns or by reason of the relative resistance to extinguishment of a fire therein, is an "inflammable article" and is so highly inflammable as to constitute a dangerous risk of fire and hazard of injury to persons.*†

1119. Manufacture or Sale Prohibited. No person, firm, or corporation shall manufacture, sell, or offer for sale, either wholesale or retail, in the State of California, any "article" that will not successfully pass the tests set forth in this chapter.*†

1120. Penalty. Any "vendor" who manufactures, sells, or offers for sale, either wholesale or retail, any "inflammable article" in violation of these rules and regulations shall be considered in violation of Chapter 8 of Part 3 of Division 13 of the Health and Safety Code of the State of California.*†

*† For statutory and source citations, see note to §1101.

Article 5. Specific Testing Procedure

1123. Group I Articles. The following tests shall be made on Group I Articles to determine if they are to be classified as "inflammable articles":*†

1124. Test No. 1. Specimens shall be prepared as indicated in Article 7 and shall be subjected to "test number one" as explained in Section 1136.

(a) If the average speed of burning over the surface of the material is more than five inches in six seconds, the material shall be classified as an "inflammable article."

(b) If the specimens pass "test number one," they shall then be subjected to one combined dry cleaning and washing procedure as outlined in Section 1159, dried, and again subjected to "test number one." If, after the combined dry cleaning and washing procedure, the specimens fail to pass this test, the material shall then be classified as an "inflammable article."*†

1125. Group II Articles. The following tests shall be made on Group II Articles to determine whether or not they are to be classified as "inflammable articles":*†

1126. Test No. 1. Specimens shall be tested in their normal state and shall be subjected to "test number one" as explained in Section 1136.

(a) If the material burns at a speed greater than five inches in six seconds, it shall be classified as an "inflammable article."*†

1127. Test No. 2. Specimens shall be tested in their normal state and shall be subjected to "test number two" as explained in Section 1137.

(a) If the material ignites within a period of five seconds, it shall be classified as an "inflammable article."*†

1128. Group III Articles. The following tests shall be made on Group III Articles to determine whether they are to be classified as "inflammable articles":*†

1129. Test No. 1. Specimens shall be prepared as indicated in Article 7 and shall be subjected to "test number one" as explained in Section 1136.

(a) If the material burns at a speed greater than five inches in six seconds, it shall be classified as an "inflammable article."*†

1130. Test No. 2. Specimens shall be prepared as indicated in Section 1137 and shall be subjected to "test number two."

(a) If the material ignites within a period of five seconds, it shall be classified as an "inflammable article."*†

1131. Group IV Articles. Articles which cannot be classified as Groups I, II, or III may be treated by any or all of the specimen preparation procedures and may be tested by any or all of the inflammability tests to determine the relative hazard of the articles.*†

*† For statutory and source citations, see note to §1101.

1132. Such (Group IV) articles shall be classified as "inflammable articles" if the relative ignition or burning rate indicates that they present a greater than normal hazard.*†

Article 6. Test Methods

1136. Test Method Number One (Method of Conducting Burning Tests). This test shall be to determine the relative speed of burning or the speed with which flame travels either over the surface of the material or where the material is entirely consumed by flame.

(a) One set of specimens shall be prepared as indicated in Section 1140, Section 1141 (Group I Articles only), and Section 1142.

(b) The testing apparatus is then made ready for test so that as soon as the specimen is placed in the rack the test can be started.

(c) The specimen is next removed from the desiccator and inserted in the testing rack with the staple at the top. The test must be started within 45 seconds after the specimen is taken from the desiccator.

NOTE: See Section 1141 (Combing of Specimens).

(d) The cabinet doors are then closed and the ignitor is operated to make contact with the specimen and the results are carefully observed.

(e) The above operations shall be repeated on not less than five specimens cut as directed in Article 7, Section 1140(b).

(f) No individual sample shall show a flammability rate less than five seconds. If failure occurs on any count, indicating the critical nature of the material, a re-test is to be made on five additional samples; and if the material is to be declared acceptable, the average of the entire 10 samples is to be six seconds or higher and no individual specimen of the second lot of five is to be below five seconds.

(g) The result of the test shall be determined by dividing the total burning time of the specimens tested by the number of specimens tested.*†

1137. Test Method Number Two. (Method of Conducting Ignition Tests). This test shall be to determine the relative ignition-resisting qualities of an article when subjected to radiated heat.

(a) Five specimens 2″ square shall be prepared as indicated in Section 1142.

(b) The ignition apparatus is then made ready with the rheostat set to pass a current of 10.0 amperes through the ignition element.

(c) The specimen rack is removed from the cabinet, and the ignition element is energized for not less than one-half minute.

(d) The specimen is removed from the desiccator and inserted in the specimen rack, which is then replaced in the cabinet. Test must be made within 45 seconds after the specimen is taken from the desiccator.

(e) The cabinet doors are closed, the timing device is set, and the ignition element is then operated into test position. The time required to ignite the specimen is observed.

*† For statutory and source citations, see note to §1101.

(f) The above operations shall be repeated on five specimens; no individual sample shall ignite in less than four seconds. If failure occurs on any count, indicating the critical nature of the material, a re-test is to be made on five additional samples; and if the material is to be declared acceptable, the average of the entire 10 samples is to be five seconds or higher and no individual specimen of the second lot of five is to be below four seconds.

(g) The result of the test shall be determined by dividing the total time of ignition of the specimens tested by the number of specimens tested.*†

Article 7. Preparing Specimens for Test

1140. Standard "Rate of Burning." Test specimens shall be cut in the size and number and marked in accordance with the following:

(a) **Size of Test Specimen.** A test specimen shall be not less than 2″ x 6″. Allowance shall be made for shrinkage on specimens that are subjected to the washing and dry cleaning process.

(b) **Set of Specimens.** A set of specimens shall be five in number cut with the long dimension parallel to the direction in which the fabric or material burns most rapidly. (This shall be determined by preliminary tests.) Brush-surfaced articles shall be cut with the long dimension parallel to the lay of the nap.

(c) **Specimen Marking.** The direction of the nap face or the direction in which the fabric burns the most rapidly is first determined. Mark out on the fabric back the size of the samples to be used, with the long dimension running parallel to the lay of the nap or parallel to that direction in which the fabric burns most rapidly. A staple is inserted at the end of the sample toward which the nap lays or toward which it burns most rapidly.*†

1141. Combing of Specimens. Specimens having a napped or pile surface shall be drawn through the combing device once against the lay of the napped surface before specimens are placed in the drying oven. When specimens are removed from the desiccator for test they shall be drawn through the combing device once with the lay of the nap.*†

1142. Drying Specimens. When required to be dried, specimens shall be dried in accordance with the following:

(a) **Oven Drying.** Before conducting tests, specimens shall be hung in a conventional electrically heated laboratory oven of the convection type and dried for 15 minutes at a temperature of 221° Fahrenheit (105° C).

(b) **Cooling Specimens.** After drying, the specimens shall be quickly transferred from the oven to a large desiccator containing fresh calcium chloride and allowed to cool for not less than five minutes.*†

*† For statutory and source citations, see note to §1101.

Example (1): B, a resident, and C, a nonresident of this State, are the trustees of a trust created by A who was a nonresident of the State at the time of death. All the beneficiaries are nonresidents. During the year 1945, the trust derived $50,000 net income from real and tangible personal property located, and from business carried on, in this State, $50,000 net income from real and personal property located, and business carried on, outside this State, and $50,000 net income from stocks and bonds, none of which had a business or taxable situs in this State. None of the net income was paid or credited to the beneficiaries during the year. The $50,000 net income from real and personal property located, and business transacted, in this State is taxable. Since there are two fiduciaries, one of which is a resident of this State, one-half of the balance of the income of the trust is likewise taxable to the trust. Thus, the taxable income of the trust amounts to $100,000.

Example (2): E, a resident, and F and G, nonresidents of this State, are the trustees of a trust created by D, who was a nonresident at the time the trust was created. All the beneficiaries are nonresidents. The corpus of the trust consists entirely of stocks and bonds and property located outside this State. One-third of the net income of the trust (i.e., that proportion of the total income which the number of fiduciaries who are residents of this State bears to the total number of fiduciaries) which is not deductible under the provisions of Sections 18131-34 and 18136-37 is taxable to the trust.

(4) If one or more of the beneficiaries of a trust are residents and one or more are nonresidents, and if the settlor was a nonresident and the fiduciaries are nonresidents, the trust is taxable upon (a) all net income (which is not deductible under Sections 18131-34 and 18136-37) from real and tangible personal property located in this State, from business carried on within this State and from intangible personal property having a business or taxable situs in this State (see Reg. 17211-14(f)); and (b) that portion of all net income (which is not deductible under Sections 18131-34 and 18136-37) from all other sources which eventually is to be distributed to the beneficiaries who are residents of this State.

Example (1): A, a nonresident of this State, transferred property located outside this State in trust to pay equal shares of the income to B, a resident, and C, a nonresident of this State. The fiduciaries of the trust are nonresidents. During the year 1945, the trust derived $50,000 net income from real and tangible personal property located, and business carried on, within this State, $50,000 net income from real and tangible personal property located, and business carried on, outside this State, and $50,000 net income from

stocks and bonds, none of which had a business or taxable situs in this State. None of the income was paid or credited to the beneficiaries during the year. The trust is taxable upon the $50,000 net income from real and tangible personal property located, and business carried on, within this State. The trust is also taxable upon one-half of the balance of the net income since one-half of such income will eventually be distributed to B, a resident of this State.

Example (2): A, a nonresident of this State, transferred stocks and bonds and real and personal property located outside this State in trust to B, a nonresident of this State. Under the terms of the trust, the income from the intangible personal property is to be accumulated for a number of years and then distributed to C, a resident of this State. The balance of the income is to be distributed to certain named beneficiaries who are nonresidents of this State. The trust is taxable upon all the net income from the stocks and bonds, but is not taxable upon any of the income from the remainder of the trust property.

(5) On the death of the husband, the entire community property is subject to administration in the hands of his estate (California Probate Code Sections 201 and 202). The estate of the husband is taxable on the entire community income received by or accrued to it during the period of the administration of such community property.

Art. 12(c)-2 **Reg. 18101-18106(b). Taxes Are Charged on Corpus—Liability of Fiduciary.** Taxes levied under the law on the income of an estate or trust, which is taxable to the estate or trust, are a charge on the corpus of the estate or trust and shall be paid by the fiduciary. The fiduciary is personally liable for the taxes due from the estate or trust if he makes any distributions without first paying such taxes, or if he pays any claim, other than claims for taxes, expenses of administration, funeral expenses, expenses of last illness, and family allowance without first satisfying the taxes due under the law. See Sections 18204-05.

Art. 12(c)-3 **Reg. 18101-18106(c). Income Taxable to Beneficiaries on Estate or Trust Are Unpaid.** If, for any reason, the taxes imposed by the law on the income of the trust which in accordance with Article 1 of Chapter 8 and Reg. 18101-06(a) is taxable to the trust because of the residence of the fiduciary or beneficiary, are not paid when due and remain unpaid when such income is distributable to the beneficiaries, or in case the income is distributable to the beneficiaries before the taxes are due, if the taxes are not paid when due, such income is taxable to the beneficiaries when distributed or distributable to them, except that in the case of nonresident beneficiaries

SUBCHAPTER 3. MATERNAL AND CHILD HEALTH

Group 1. Minimum Standards for the Care of Physically Handicapped Children.
Group 2. Certificate of Registration to School Audiometrists.

Group 1. Minimum Standards for the Care of Physically Handicapped Children

Article 1. General

2900. Case Finding and Reporting. The county shall conduct an active and continuous program of case finding[1] of all persons under 21 years of age who are suffering from handicapping conditions.[2] This function may be carried out by physicians and health and welfare agencies, public and voluntary. All cases shall be reported to the local registry within the county, and to the State Department of Public Health.

NOTE.—§§2900 to 2904, inclusive, issued under authority contained in Section 208 and 249, Health and Safety Code. Source of §§2900 to 2904, inclusive, is the Rules and Regulations of the State Department of Public Health.

2901. Registration. A central registration file for handicapped children shall be maintained in each county.

It is recommended that in counties with organized county health departments, a central registration file be maintained in that department.

It is recommended that in counties not served by an organized county health department, the registration file be maintained in the County Welfare Department.

In counties with more than one organized health department, it is recommended that such health departments send registration cards to the central county registry and maintain a duplicate file for their own use.*†

2902. Diagnostic Services. Diagnostic services shall be readily available to all handicapped children in the county.

Personnel. Physicians rendering diagnostic services shall be specialists who are certified or eligible for certification by their respective Specialty Boards.

Facilities. Diagnostic services may be rendered in clinics conducted at regular intervals commensurate with the case load, or through the use of individual examinations, or a combination of both.

Records. Records indicating medical diagnosis and plans for treatment shall be kept for each patient.

Eligibility. Diagnostic services shall be available to all handicapped children in the county.*†

2903. Treatment. Treatment meeting standards as outlined below shall be provided for all handicapped children who are eligible.

Personnel. Medical treatment shall be rendered by physicians who are certified or eligible for certification by their respective Specialty Boards.

Facilities. Hospital care shall be provided in institutions licensed by the State Board of Public Health after January 1, 1946, or in county hospitals meeting equivalent standards.

[1] Health and Safety Code, Section 252.

[2] Ibid., Section 250.

*† For statutory and source citations, see note to §2901.

Separate facilities for the exclusive use of children under fourteen years of age shall be provided. Facilities for infants shall be separate from those of older children.

Proper isolation facilities shall be provided for children who develop communicable diseases.

There shall be at least one qualified nurse with graduate training or experience in pediatrics.

Clinical laboratories shall meet the standards outlined in the Business and Professions Code.[1]

Dietary service shall provide for the adequate nutrition of children.

Hospitals treating orthopedic cases shall provide physiotherapy personnel and equipment adequate to carry out the recommended treatment.

It is desirable that medical social services by qualified personnel be available.

Eligibility. Treatment plans shall be developed for:

(1) Children whose parents or legal guardians can not finance any part of the costs of the necessary care;

(2) Children whose parents or guardians are able to finance a part of the costs of the necessary care.

Since the greatest need for assistance is found among the marginal groups who can not afford the full costs of private care and are ineligible for completely free care, part-pay plans are necessary.

When requested, families who are able to finance care privately, should be given advice in developing adequate treatment plans.*†

2904. After-Care Services. The county shall provide the necessary after-care services for handicapped children. Health supervision in the home is the responsibility of the public health nurses and physical therapists. Social service should be made available either through qualified medical social workers, child welfare services workers, or through such other social service workers as may be available in the county. The schools shall meet the special educational needs of handicapped children.*†

(Sections 2900 to 2904, inclusive, filed 12-28-45)

[1] Business and Professions Code, Div. 2, Ch. 3.

*† For statutory and source citations, see note to §2901.

CHAPTER 4. PREVENTIVE MEDICAL SERVICE

SUBCHAPTER 1. ACUTE COMMUNICABLE DISEASES
SUBCHAPTER 2. ADULT HEALTH
SUBCHAPTER 3. MATERNAL AND CHILD WELFARE
SUBCHAPTER 4. ORAL HEALTH
SUBCHAPTER 5. PUBLIC HEALTH NURSING
SUBCHAPTER 6. TUBERCULOSIS
SUBCHAPTER 7. VENEREAL DISEASES

SUBCHAPTER 1. ACUTE COMMUNICABLE DISEASES

Article
1. Notification
2. General Instructions
Article
3. Specific Communicable Diseases

Article 1. Notification

2500. Notification. It shall be the duty of every physician or practitioner, every superintendent or manager of a dispensary, hospital, or clinic, or any person in attendance on a case of a reportable disease or a case suspected of being a reportable disease, to report the case immediately upon the proper form provided for that purpose by the State Department of Public Health, to the local health authority, who shall in turn report at least weekly, on the prescribed form, to the Director of the State Department of Public Health, all cases so reported to him.

Amebiasis (Amoebic Dysentery)
Anthrax
Botulism
Chancroid
Chickenpox (Varicella)
Cholera (Asiatic)
Coccidioidal Granuloma
Conjunctivitis, Acute Infectious of the Newborn (Gonorrheal Ophthalmia, Ophthalmia Neonatorum, and Babies' Sore Eyes in the first 21 days of life)
Dengue
Diarrhea of the Newborn
Diphtheria
Dysentery, Bacillary
Encephalitis, Infectious
Epilepsy
Food Poisoning
German Measles, (Rubella)
Glanders
Gonococcus Infection
Granuloma Inguinale
Hepatitis, Infectious (Infectious Jaundice)
Icterohemorrhagic Spirochetosis (Weil's Disease)
Influenza, Epidemic
Leprosy
Lymphogranuloma Venereum (Lymphopathia Venereum, Lymphogranuloma Inguinale)
Malaria
Measles (Rubeola)
Meningococcic Infections
Mumps (Parotitis)
Paratyphoid Fever, A, B, and C.
Plague
Pneumonia, Infectious
Poliomyelitis, Acute Anterior
Psittacosis
Rabies, Human and Animal
Relapsing Fever
Rheumatic Fever
Rocky Mountain Spotted Fever
Scarlet Fever (see Streptococcal Infections, (Respiratory)
Smallpox (Variola)
Streptococcal Infections, Respiratory (including Scarlet Fever, Streptococcic Sore Throat, Streptococcic Nasopharyngitis and "Septic Sore Throat")
Syphilis
Tetanus
Trachoma
Trichinosis
Tuberculosis
Tularemia
Typhoid Fever
Typhus Fever
Undulant Fever (Brucellosis)
Whooping Cough (Pertussis)
Yellow Fever

This list of reportable diseases may be changed at any time by the State Board of Public Health (Section 2571, Health and Safety Code).

NOTE.—§§2500 to 2640, inclusive, issued under authority contained in Sections 208, 2554 to 2574, inclusive, Health and Safety Code. Source of §§2500 to 2640, inclusive, is the Rules and Regulations issued by the State Department of Public Health.

2502. Cases of Asiatic cholera, plague, typhus (louse borne epidemic type), and yellow fever are to be reported to the Director of the State Department of Public Health immediately by telephone or telegraph. (See Sec. 2569, Health and Safety Code.)

2504. When no physician is in attendance, it shall be the duty of any individual having knowledge of a person suffering from a disease presumably communicable or suspected of being communicable to report forthwith to the local health officer all the facts relating to the case, together with the name and address of the person.*†

2508. Reporting by Schools. It shall be the duty of anyone in charge of a public or private school, kindergarten, boarding school, or day nursery to report at once to the local health officer the presence or suspected presence of any of the reportable diseases.

2510. Outbreaks of Nonreportable Diseases. The local health officer or anyone having knowledge of any undue prevalence of Vincent's infection, scabies, impetigo, hookworm, epidemic keratoconjunctivitis, or other disease shall report such facts to the Director of the State Department of Public Health at once.*†

Article 2. General Instructions

2512. Investigation of the Case. Upon being notified of a case of communicable disease or a suspected case of communicable disease, the local health officer shall make an investigation to determine if the case is one of the communicable diseases. If he finds the case to be one of the communicable diseases, or suspects the case to be one of the communicable diseases, he shall take such steps as he deems necessary to prevent the spread of the disease to others and to determine the source of infection.

If the source of the infection is found to be outside his jurisdiction, the health officer shall notify the health officer under whose jurisdiction the infection was probably contracted, and the Director of the State Department of Public Health.*†

2514. Instructions to Household. It shall be the duty of the physician in attendance on a case considered to be an infectious or communicable disease, to give detailed instructions to the members of the household in regard to precautionary measures to be taken for preventing the spread of the disease. Such instructions shall conform to the regulations of the State Department of Public Health and the ordinances in effect in the local community.*†

2516. Isolation. If the disease is one requiring strict isolation, the health officer shall define the area within which the patient is to be isolated and issue instructions to the patient and members of the household regarding the measures to be taken to prevent the spread of the disease.

Diseases in this classification do not necessarily require quarantine of the premises, unless in the judgment of the local health officer such quarantine is necessary for the protection of the public.

*† For statutory and source citations, see note to §2500.

155. Rules and Regulations Regarding the Granting and Issuance of Permits to Take and Use Sardines by a Reduction Process During the 1946-1947 Sardine Season.

(a) All applications for a permit to take and use sardines by a reduction process shall be filed with the Commission on or before May 15, 1946. No applications shall be considered which are received or postmarked after midnight of said date.

(b) For the 1946-47 sardine season only, no reduction permit shall be granted or issued to any applicant who did not hold a permit and operate in the previous season unless such an applicant produces proof satisfactory to the Fish and Game Commission that he has his plant, including all buildings and equipment therein, as described in rule (h) fully constructed and fully equipped to receive and process fish at the time of filing his application.

(c) The tonnage for the 1946-47 sardine season shall be 395,000 tons and the tonnage to be granted each permittee shall be determined by dividing the total amount of sardines to be allotted during the 1946-47 sardine season for reduction purposes by the total number of permits granted.

(d) Transfer of permits between ports shall not be permitted. Transfer of permits between plants within a port shall not be permitted.

(e) Permits shall not be sold, assigned, transferred, or disposed of in any manner whatsoever except with the consent of the Commission first had and obtained.

(f) No additional tonnage shall be granted during the course of a season beyond the total set.

(g) A permit may be issued to a plant only after it has been inspected by an accredited representative of the Fish and Game Commission and upon certification by said representative that the plant is fully equipped and ready to operate. The penalty for not being ready to operate on the first day of the season shall be a revocation of tonnage on the basis of the number of days such plant fails to operate. The amount revoked for each day shall be equal to the total tonnage granted to the permittee, divided by total number of days in the season in the district in which the plant is located.

(h) Permits shall be granted or issued only to complete reduction plants. A complete reduction plant shall be a building or buildings which must be independent of any other plant, except the cannery of which the plant is a part, and all machinery and equipment including hopper, hoist, and unloading facilities, scales, fish storage bins, presses, dryers, disintegrators wet or dry, meal sacking equipment, meal storage warehouse, oil settling tanks, oil centrifuges, oil loading equipment, and steam plant, and all other equipment necessary for the unloading, weighing and processing of sardines and for the storage of the products obtained therefrom. The joint use of any of the equipment or machinery with any other reduction plant shall not be permitted.

(i) Permits shall be issued upon the condition that a magnet of size adequate for the efficient recovery of tags is installed and operated continuously during the operation of the plant in a manner satisfactory to the Commission.

(j) All permits shall be issued subject to such conditions and restrictions as the Commission may elect to impose. A violation of any of the terms of these rules and regulations, or of the terms and conditions of the permit itself, or of the provision of the Fish and Game Code, shall subject the same to immediate revocation at the option of the Commission and no new or subsequent permit shall be issued to such permittee during the remainder of the season.

(k) All applications shall state that the applicant has read and understood the foregoing rules and regulations and agrees to be bound thereby. The masculine when used herein includes the feminine and neuter, and the singular the plural.

(Amended 10-27-45; filed 4-4-46)

(Section 1068, Fish and Game Code)

[Regulation of Fish and Game Commission 10-27-45]

156. Sardines, Limit of Catch for Reduction Purposes.

The Fish and Game Commission having made the findings required by Section 1068, Fish and Game Code, will grant permits to take and use sardines by a reduction process during the 1945-46 sardine season not to exceed 395,000 tons, such tonnage to be divided equally among those applicants for sardine reduction permits to whom such permits are granted.

(Section 1068, Fish and Game Code)

[Regulation of Fish and Game Commission, 6-8-45]

164. Shad and Shad Roe, Sale of.

Shad and shad roe to be held for sale between July 15 and March 14 shall be placed in a public cold storage warehouse at the close of the season, May 31; and a non-negotiable receipt shall be issued and delivered to the Fish and Game Commission. On or after July 15 said shad or shad roe shall be released to the owner by the Fish and Game Commis-

sion. All storage charges shall be paid by the owner. On release, said shad or shad roe may be sold between July 15 and March 14.

(Section 719, Fish and Game Code)

[Regulation of the Fish and Game Commission, General Order No. 23, 1-22-44]

Article 3. Birds

250. Changes in Game Bird Laws.

(a) **Pheasants.** Male pheasants may be taken between December 6 to December 15, both dates inclusive, in all districts, between the hours of 10:00 a.m. to one-half hour after sunset. The bag limit is 2 male birds per day, 2 in possession and not more than 10 such pheasants per season. This order amends the provisions of Sections 1150 and 1201, Fish and Game Code.

(b) **Quail.** Quail (valley, mountain, desert) may be taken between November 15 and December 15, both dates inclusive, in all districts between the hours of one-half hour before sunrise to one-half hour after sunset, except during the pheasant season (Dec. 6 to Dec. 15) when the shooting hours are 10:00 a.m. to one-half hour after sunset. The bag limit of quail in the aggregate of all species is 8 per day, 8 in possession, and not more than 16 quail in the aggregate of all species per week. This order amends the provisions of Sections 1150 and 1200, Fish and Game Code. (Filed 7-15-46)

(Section 16.3, Fish and Game Code)

[Regulation of Fish and Game Commission, 6-28-46]

260. Crows, Payment of Bounty.

(a) The bill and a portion of the head of each crow must be shipped to the Division of Fish and Game, Ferry Building, San Francisco. The eyes and brain must be removed from the head so that there will be no decayed animal matter.

(b) Notarized affidavit forms in duplicate must accompany each shipment. Forms may be obtained from the Division of Fish and Game, Ferry Building, San Francisco, or from the district offices in Sacramento, Redding, Fresno and Los Angeles.

(c) Crow heads must be shipped via prepaid express (Section 457 of the Fish and Game Code prohibits shipment of birds and mammals by parcel post.)

(d) Claims must be filed within 10 days after crows are killed.

(Section 29.1, Fish and Game Code)

[Regulation of Fish and Game Commission, 8-24-45]

264. Doves, Mourning, Season and Bag Limit.

(a) The open season for the taking of mourning doves for the season of 1946 in the State of California, shall be from September 1, 1946 to October 30, 1946, both dates inclusive, except the County of Imperial where the season shall be from September 28, 1946 to October 30, 1946, both dates inclusive.

(b) The bag limit shall be 10 per day, and no person at any one time may possess more than 10 mourning doves.

(c) The shooting hours shall be from one-half hour before sunrise to sunset except on September 1, 1946 when the shooting hours shall be from 12.00 noon to sunset.

(d) Doves on which an open season is specified may be taken during such seasons only with a shotgun not larger than 10 gauge fired from the shoulder, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

(e) The possession limits hereinbefore prescribed shall apply as well to mourning or, turtle doves, and white-winged doves taken in Canada, Mexico or other foreign country and brought into the United States, as to those taken in the United States.

(Section 39, Fish and Game Code. Filed 8-27-46; effective 8-27-46)

[Regulation of Fish and Game Commission, 8-24-45]

270. Pheasants and Quail, Game Management Areas.

(a) Each Area must be open to any licensed hunter for shooting during the entire game management season upon payment of the fee as set forth in the application filed by the Licensee with the Division of Fish and Game, provided that the maximum legal number of birds have not been killed on said Area.

(b) Each proposed Area will be inspected by a representative of the Bureau of Game Farms and the local Warden before a license may be granted.

(c) No application shall be granted for a Permit to Operate a Game Management Area if such proposed Area adjoins any State or Federal park, monument, wilderness or primitive area, refuge or preserve.

(d) The Licensee shall plant pheasants or quail, or both, in an amount equal to 142.86% of the number of birds to be shot on the licensed Area.

(e) Birds must be released at least 72 hours before any shooting is permitted on a licensed Area.

(f) Birds at time of release shall be at least 12 weeks old, full-winged, and otherwise in a condition to go wild.

(g) All birds that are to be liberated on an Area must be inspected, before liberation, by a representative of the Division of Fish and Game, and birds which are rejected can not be released.

(h) All birds liberated on the Area must be banded by a representative of the Division of Fish and Game, before liberation, with serially numbered leg bands supplied by the Division of Fish and Game.

(i) In the case of these licensed Areas, "Domestically Reared Species" shall be construed to mean those species of pheasant or quail on which there is a legal open season in this State.

400. Changes in Game and Fur-bearing Animal Laws:

(a) **Deer.** In Districts 2, 2¼, 2½, 2¾, 3, 3½, 4⅛ and 101, deer may be taken between August 7 and September 15, both dates inclusive; elsewhere in the State deer may be taken between September 23 and October 21, both dates inclusive.

In District 1 except that portion of Shasta and Tehama Counties west of Highway 99 and 99W, and that portion of District 1½ in Siskiyou County east of Highway 99 and south of the McCloud-Fall River Mills Highway and in Districts 1⅜, 1¾, 4, 4½, 4¾, 22, 23 and 25 one deer only may be taken. Any person who is a resident of the above described area may possess during the open season one deer taken in said area and one deer legally taken in any two-deer district. In districts and areas other than described above not more than two deer may be taken. This order amends the provisions of Sections 1270 and 1272, Fish and Game Code.

(b) **Cottontail and Brush Rabbits.** Cottontail and brush rabbits may be taken between November 15 and December 15, both dates inclusive, except in Districts 4, 4⅛, 4¾, 19 and 22. Throughout the State cottontail and brush rabbits may be taken between the hours one-half hour before sunrise to one-half hour after sunset except during the pheasant season (Dec. 6 to Dec. 15) when the shooting hours are 10:00 a.m. to one-half hour after sunset. Throughout the State the bag limit of said rabbits in the aggregate of both species is 8 per day, 8 in possession, and not more than 16 rabbits in the aggregate of both species per week.

Cottontail, Brush and Jack Rabbits. In Districts 4, 4⅛, 4¾, 19 and 22, cottontail, brush and jack rabbits may be taken between September 1 and December 31, both dates inclusive. This order amends the provisions of Sections 1150, 1340.5 and 1341, Fish and Game Code.

(c) **Tree Squirrels.** In District 1 only, tree squirrels may be taken between November 15 and December 15, both dates inclusive. Tree squirrels may be taken between the hours one-half hour before sunrise to one-half hour after sunset except during the pheasant season (Dec. 6 to Dec. 15) when the shooting hours are 10:00 a.m. to one-half hour after sunset. The bag limit of tree squirrels is 2 per day, 2 in possession,

710. Lists of approved reflectors may be obtained from the Department.

711. Brake Adjuster. One may become an official brake adjuster by complying with the following conditions:

(a) Make application to the Department of Motor Vehicles on the presented form.

(b) Pass an examination on qualifications. (For information concerning same inquire at Area Headquarters or Bureau of Safety Inspection.)

(c) Procure certain equipment. (Details available at Area Headquarters or Bureau of Safety Inspection.)

Article 6. Safety Glass

720. Every new motor vehicle first registered on or after January 1, 1936, is required to be equipped with safety glass of a type approved by the Department of Motor Vehicles, wherever glass is used, and any replacements in said vehicles.*†

721. The names, or labels sufficient for identification, should be found on each piece of safety glass in the windshield, windows, doors, etc. The application for the original registration of each new motor vehicle submitted to the Department on and after January 1, 1936, shall be accompanied by an affidavit of the transferrer of the vehicle indicating the type of glass used in the partitions, doors, windows, and windshields thereof.*†

722. A list of approvals may be obtained from the Department.

Article 8. Sirens

730. (Regulations being revised.)

Article 9. Warning Signals For Tow Cars

745. Section 586.5 Vehicle Code. Every motor vehicle designed and equipped for and exclusively used in the business of towing or otherwise rendering assistance to other vehicles shall at all times be equipped with at least two warning signals.

Such signals shall be of a uniform type prescribed by the Department and shall be so designed as to be visible both day and night.

The operator of such a motor vehicle used for the purpose of rendering assistance to other vehicles shall, when the rendering of assistance necessitates the obstruction of any portion of the highway, place warning signals on the highway in such a manner as the Department may prescribe.

The owner or operator of any vehicle equipped with the signals prescribed in this section and which displays the same in the manner designated by the Department is not guilty of stopping on a highway in violation of provisions of this code.

*† For statutory and source citations, see note to §650.

(a) **Prescribed Warning Sign.** A sign constructed in accordance with the specifications in this section may be used to comply with the requirements of Section 586.5 of the Vehicle Code.

(b) **Use of Warning Signs.** Every tow car or motor vehicle used for the purpose of rendering assistance to other vehicles shall be equipped with at least 2 warning signals as above described. Any such vehicle when rendering aid or assistance to any vehicle on the highway shall place the warning signs as follows when such rendering of assistance necessitates the obstruction of any portion of the highway:

One sign shall be placed on the right-hand side of the highway 200 feet to the rear and one on the right-hand side of the highway 200 feet in advance of the obstruction.

The posting of such official signs at the scene of a wreck will not justify unnecessary delay in removing such obstruction from the highway.

(c) **Description of Signal.** The following sign is hereby prescribed for use as a warning signal for tow cars.

The sign may be painted and equipped with at least one Class 1 Red Reflex Reflector of an approved type or the sign may be provided with area reflectorizing material for the background with either painted or reflectorized letters.

The area reflectorizing material known as "Scotchlite" may be used on the sign provided the quality of the material is equal to the test samples approved by the Department and the mounting is in accordance with the manufacturer's specifications.

Any suitable backing material may be used provided the sign is substantially constructed. The sign shall be installed upon a stand, easel, or means of support of substantial construction, which shall be capable of supporting the sign in a moderately heavy wind. The bottom of the sign when mounted shall be at a minimum height of 12 inches above the ground.

SUBCHAPTER 4. CALIFORNIA HIGHWAY PATROL

Article
1. Submission of Devices for Test and Approval
2. Required Adjustment of Headlamps and Other Lighting Devices
3. Auxuliary Lamps
4. Signals
5. Reflex Reflectors—General Information and Testing Regulations
6. Safety Glass
7. Warning Signals for Tow Cars and Trucks
8. Sirens
9. Physician's Identification
10. Prescribed Red Cross Lamp
11. Insignia Approved

Article 1. Submission of Devices for Test and Approval

650. Lamps and Devices to Be Tested and Approved. Lamps and devices must be tested and approved before sale or use.*†

NOTE.—§§650 to 760 inclusive, issued under authority contained in Section 128, Vehicle Code. Source §§650 to 760, inclusive, is the Rules and Regulations issued by the Director of Motor Vehicles.

651. Procedure for Approval. The procedure for approval for any of the types of devices mentioned in Section 645 Vehicle Code is as follows:

(a) **Delivery of Devices.** Deliver two complete devices to the Testing Agency, Engineering Building, University of California, Berkeley, California. The devices become the property of the State upon submission for test.

(b) **Payment of Fees.** The fee is payable to the Department of Motor Vehicles, Sacramento. In order to expedite the tests, the fee should be submitted at the time the devices are shipped. Tests will not be started until the fee is paid. If several devices, which are substantially similar, are submitted at the same time, a fee should be submitted for each device in order to avoid delay. The proper fee will be determined and a refund, if justified, will be made.

(c) **Models.** The devices submitted shall be manufactured marketable products, not models.

(d) **Drawings.** Two sets of drawings will be required at the discretion of the Department. The drawings may be shop prints or engineering sketches, or any other drawings which clearly illustrate the device.

(e) **Marks of Identification.** The device shall be provided with marks of identification which shall include the name and model on both the lens and housing. The marks shall be located on the outside so that they may be visible and legible without dismantling the lamp when it is mounted in the intended position on the vehicle. In the case of a lamp which is mounted in a recess in the vehicle, the marks shall be provided on the lens frame instead of the housing covered by the frame.

(f) **Instruction Sheets.** Instruction sheets, approved by the Department, will be required with each auxiliary driving, passing or fog lamp, signal device, or special device sold. The instructions shall describe the method of installation, candlepower, adjustment, aim, and operation of the device.*†

*† For statutory and source citations, see note to §650.

Article 2. Required Adjustment of Headlamps and Other Lighting Devices

656. Headlamp Testing Machines. The Department has approved certain headlamp testing machines which may be used in official lamp testing stations and may be used in place of the screen and tunnel.

A list of said machines may be obtained from the Department.*†

657. Headlight Adjusters. One may become an official headlight adjuster by complying with the following conditions:

(a) Make application to the Department of Motor Vehicles on the prescribed form.

(b) Pass an examination on qualifications. (For information concerning same inquire at Area Headquarters or Bureau of Safety Inspection.)

(c) Procure certain equipment. (Details are available at Area Headquarters or Bureau of Safety Inspection.)*†

658. Rear Lamps. Rear lamps are required on all vehicles.

(a) Types of Rear Lamps:

T, tail lamp
S, stop signal lamps
L, license plate lamp
R, reflex reflector in lamp (approved as Class II only. Will not meet commercial vehicle reflector requirements).

(b) A rear lamp may be a **separate** lamp of any of the above types, or it may be a **combination** of any of the above types. A list of approved rear lamps may be obtained from the Department.*†

Article 3. Auxiliary Lamps

663. Types of Auxiliary Lamps. The following types of auxiliary lamps may be used for producing roadway illumination:

Auxiliary

(a) Fog Lamps
(b) Driving Lamps
(c) Passing Lamps
(d) Spot Lamps *†

Miscellaneous

(f) Side, Cowl, Fender, Running Board and Back-up Lamps

664. Use of Auxiliary Lamps on Vehicles Equipped With Sealed Beam Headlamps.

NOTE.—The candlepower limits now provided in the Vehicle Code (Sec. 648) preclude the use of fog lamps, driving and passing lamps in conjunction with sealed beam headlamps.

Adverse weather lamps (fog lamps) may be installed on vehicles equipped with sealed beam headlamps and used in substitution of the headlamps in adverse weather, in which case two adverse weather lamps shall be used.

When sealed beam headlamps are lighted, there shall not be any other lamps used for driving.

(a) **Driving Lamps.** A driving lamp is intended to augment the upper beam of headlamps. Because of the beam candlepower limitations of the Vehicle Code (75,000 c.p. total:—headlamps plus auxiliary lamps), it is necessary to limit the maximum intensity of the driving

*† For statutory and source citations, see note to §650.

proceeding. In case any such limitation be void under the law of the place governing the construction hereof, then the shortest period of limitation permitted by such law shall govern.

IN TESTIMONY WHEREOF, The Sureties have caused this bond to be signed and their corporate seals to be affixed, by their proper officers duly appointed for the purpose, the day and year below mentioned.

SIGNED, SEALED AND DATED this_____day of_____, 19___.

68. **District Bonds and Undertakings.** (a) **Undertaking for Organization Costs** (Section 4, California Water Storage District Act, Statutes 1921, page 1727, as amended; Deering's California General Laws, Act 9126):

UNDERTAKING—CALIFORNIA WATER STORAGE DISTRICT ACT

WHEREAS, A petition has been prepared for the formation of a water storage district to be known as the_____Water Storage District, in accordance with that certain act of the Legislature of the State of California known as the California Water Storage District Act (Stats. 1921, p. 1727, as amended, Deering Act 9126); and

WHEREAS, Said petition is about to be presented, in accordance with Section 4 of said act, to the State Engineer for his appropriate action thereon; and said Section 4 of said California Water Storage District Act requires that said petition must be accompanied with a good and sufficient undertaking, to be approved by the State Engineer, in double the amount of the probable cost of organizing said district as estimated by said State Engineer, conditioned that the Sureties thereon shall pay all costs in case said organization of said district shall not be finally effected; and

WHEREAS, Such State Engineer has estimated such probable cost to be the sum of $_____; and this undertaking is executed to comply with the provisions of said Section 4 of said California Water Storage District Act,

NOW, THEREFORE, In consideration of the premises, _____, does hereby undertake in the sum of_____dollars, and promise to the effect that it shall pay all costs of organizing said_____Water Storage District in case said organization shall not be finally effected, not exceeding, however, the sum specified in this undertaking.

DATED this_____day of_____, 19___.

(b) **Undertaking for Investigation Costs and Expenses** (Section 4, California Water Conservation District Act, Statutes 1923, page 978, as amended; Deering's California General Laws, Act 9127):

UNDERTAKING—CALIFORNIA WATER CONSERVATION DISTRICT ACT

WHEREAS, A petition has been prepared for the formation of a water conservation district to be known as the_____Water Conservation District, in accordance with that certain act of the Legislature of the State of California known as the California Water Conservation District Act (Stats. 1923, p. 978, as amended, Deering Act 9127); and

WHEREAS, Said petition is about to be presented, in accordance with Section 4 of said act, to the State Irrigation Board for its appropriate action thereon; and said Section 4 of said California Water Conservation District Act requires that said petition must be accompanied with a good and sufficient undertaking, to be approved by said State Irrigation Board, conditioned that the Sureties thereon shall pay all of the costs and expenses in connection with the investigation of said proposed district in case the organization of said district shall not be finally effected; and this undertaking is executed to comply with the provisions of said Section 4 of said California Water Conservation District Act,

NOW, THEREFORE, In consideration of the premises,_____, does hereby undertake in the sum of_____dollars, and promise to the effect that it shall pay all of the costs and expenses in connection with the investigation of said proposed _____Water Conservation District in case said organization of said district shall not be finally effected, not exceeding, however, the sum specified in this undertaking.

DATED this_____day of_____, 19___.

(c) **Undertaking for Organization Costs** (Section 3, California Resort District Act, Statutes 1931, page 2521; Deering's California General Laws, Act 6555 and Section 4, District Investigation Act of 1933, Statutes 1933, page 2141, as amended; Deering's California General Laws, Act 2119):

UNDERTAKING—CALIFORNIA RESORT DISTRICT ACT

WHEREAS, A petition has been prepared for the formation of a resort district to be known as the_____Resort District, in accordance with those certain acts of the Legislature of the State of California known respectively as the California Resort District Act (Stats. 1931, p. 2521, Deering Act 6555) and the District Investigation Act of 1933 (Stats. 1933, p. 2141, as amended, Deering Act 2119); and

WHEREAS, Said petition is about to be presented, in accordance with Section 3 of said California Resort District Act, and also in accordance with Section 4 of said District Investigation Act of 1933; and said sections of said acts require that said petition shall be accompanied by a bond approved by, and in an amount fixed by, the State Engineer at double the probable cost of organizing said district and conditioned that the Sureties will pay all costs in connection with the proposed organization in the event that the district is not formed; and

WHEREAS, The State Engineer has estimated the probable cost of organizing said district, including all costs in connection therewith, to be the sum of_____ dollars, and has fixed the amount of this bond in the sum of_____dollars; and this bond is executed to comply with the provisions of said Section 3 of said California Resort District Act, and with the provisions of said Section 4 of said District Investigation Act of 1933.

NOW, THEREFORE, In consideration of the premises,_____does hereby undertake in the sum of_____dollars, and promise to the effect that it will pay all costs in connection with the proposed organization of said_____Resort District in the event that the said district is not formed, not exceeding, however, the sum specified in this undertaking.

DATED this_____day of_____, 19___.

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ELEVATOR SAFETY ORDERS

Article
1. Permit to Operate
2. General Provisions
3. Definition
4. Construction
5. Operation and Control
6. Escalators
7. Dumb-waiters
8. General

Article 1. Permit to Operate

3000. §*The permit to operate any elevator, as prescribed in Section 1, Chapter 74, Laws of 1917, as amended by Chapter 330 of the Statutes of 1921, shall be posted in the elevator car.

NOTE.—§§3000 to 3083, inclusive, issued under authority contained in Sections 6312 and 6500, Labor Code. Source of §§3000 to 3083, inclusive, is the Regulations, Division of Industrial Safety, Elevator Safety Orders.

Article 2. General Provisions

NOTE.—§A (*) placed before an order or section indicates that such order or section was revised or added April 1, 1918.

§A (§) placed before an order or section indicates that such order or section was revised or added in 1924.

§In Sections 3020 *et seq.*, those referring to both new and existing installations are printed in bold face type.

All other orders refer to new installations only.

3010. Application of These Orders. §(a) These Elevator Safety Orders and this Code of Safety Standards are intended as a guide for the construction, installation, maintenance and operation of elevators, dumb-waiters, escalators, man-lifts and their hoistways, except as stated in the following paragraph:

> §(1) These orders do not apply to belt, bucket, scoop, or roller conveyors, or similar inclined or vertical freight conveyors, tiering and piling machines, building hoists, skip hoists, mine hoists, wharf ramps, or any apparatus in kindred classes, amusement devices, stage lifts, or lift bridges, except as specified in the definition of "Elevators."

§(b) These orders recognize the deteriorating influence of wear, rough usage, and the atmosphere under which elevator apparatus, particularly door locks, interlocks and electric contacts, are required to operate. In the design and installation of such apparatus, due regard should be given to these conditions and to the construction upon which they are mounted.

(c) **Permits for Variations From These Orders.** When the Division finds that, under such conditions as shall be specified, a variation from the terms of a Safety Order will not impair the safety of employees which would otherwise be secured by compliance with the terms of the said Order, the Division, upon written application, after investigation and such hearing as the Division may direct, may make and enter its

* Chapter 1431, Statutes of 1945, transferred jurisdiction over industrial safety orders from the Industrial Accident Commission to the Division of Industrial Safety.

order permitting such variation from the terms of the said Safety Order in a place of employment, upon such conditions as it may specify and upon the provision and use of such safety measures and appliances as shall, in the judgment of the said Division, secure the safety of employees. A record of such Order shall be conspicuously posted at the place of employment and shall be open to the public.

Noncompliance with the conditions specified in an order permitting a variation shall automatically suspend such order as long as the noncompliance exists.

Upon receipt of a complaint that a variation imperils the safety of employees which would otherwise be secured by compliance with the terms of its Safety Orders, the Division, after notice to the complainant and to employer and after hearing, may continue in force, suspend, revoke, or modify its order permitting the variation or may continue in force, suspend, revoke, or modify the conditions specified in such order.

Where death or serious injury at the place of employment appears to be attributable to a variation from the terms of the Safety Order the Division may forthwith set aside any variation previously granted. Notice of such action shall be conspicuously posted at the place of employment and shall be open to the public.

No declaration, act or omission of the Division or of its representatives, other than a written Order authorizing a variation as permitted under this Order, shall be deemed to exempt, either wholly or in part, expressly or impliedly, any employer or place of employment from full compliance with the terms of any Safety Order. (Filed 5-7-46; effective 5-7-46)*†

Article 3. Definitions

3015. Definitions. §(a) **Existing Installations.** Existing installations are elevators, dumb-waiters, escalators, or man-lifts, the erection of which was begun, or plans, or contracts of which were completed and accepted by owner, before these orders became effective and not materially altered or moved to a different location subsequently thereto.

§(b) **New Installation.** A new installation is:

§(1) An elevator, dumb-waiter, escalator, or man-lift, the plan of which was completed and accepted by owner and erection begun subsequent to the date when these orders became effective;

§(2) An existing elevator, dumb-waiter, escalator, or man-lift moved to a new location subsequently to the date when these orders became effective;

(3) An existing installation which is materially changed subsequent to the date when these orders became effective.

(Any changes other than ordinary repairs or replacements are to be considered as material changes.)

§(4) **Modifications.** Where compliance with paragraphs (2) and (3) under New Installations of Section 3015 would involve a disproportionate expenditure, the Division of Indus-

*† For statutory and source citations, see note to §3000.

trial Safety may, upon application, permit modifications of the requirements where protection practically equivalent to that required by these orders is assured, or where enforcement of the requirements would entail heavy expense without a material increase in safety.

§NOTE.—When it is proposed to change an elevator from a freight elevator to a passenger elevator or vice versa, or to make other material changes, it is recommended that the owner advise the Division of Industrial Safety of his intention to make such change, and request specifications of requirements to be complied with to meet these orders. If this is not done an owner may go to considerable expense in making alterations, and thereafter find that the elevator can not be used, which expense can be saved if he will consult the Division in advance.

§(c) **Elevator.** An elevator is a hoisting mechanism, equipped with a car or platform which moves in a substantially vertical direction, and which is designed to carry passengers and/or freight. A hoisting mechanism, such as a portable hoist, or tiering machine, when used to elevate material between two or more permanent levels in a permanent location, will be classed as an elevator.

(Endless belts, conveyors, chains, buckets, etc., used for the purpose of conveying and elevating materials alone, and upon which passengers are at no time carried, are not classed as elevators.)

§(d) **Passenger Elevator.** A passenger elevator is an elevator on which passengers are permitted to ride. A passenger elevator may be used for the carrying of freight when the load carried does not exceed the capacity of the elevator.

§(e) **Passengers.** Passengers are persons other than the operator of the elevator, and other than those persons necessary for the handling of the freight carried by the elevator.

§(f) **Freight Elevator.** A freight elevator is one used solely for carrying freight and such persons as are necessary for the handling of freight, and the operator of the elevator.

*(g) **Combination Passenger and Freight Elevator.** A combination passenger and freight elevator is a passenger elevator used for the purpose of carrying both passengers and freight.

(h) **Hatchway Type Elevator.** A hatchway type elevator is an elevator running through floor openings provided with hatch covers, each of which is opened automatically as car approaches the landing, and is closed automatically as car leaves the landing.

*(i) **Carriage Type Elevator.** A carriage type elevator is a hand-power freight elevator with a platform having no suspension sling frame, but which is raised by cables dropping from winding drums or sheaves over the wellway and connected to the platform at four or more points.

(j) **Dumb-waiter.** A dumb-waiter is an elevator used solely for the conveyance of freight, with a carrying capacity that does not exceed 500 pounds, with a platform which does not exceed nine square feet (9 sq. ft.) in area, and with a top not more than four feet (4′) above the platform.

*† For statutory and source citations, see note to §3000.

*(k) **Sidewalk Elevator.** A sidewalk elevator is a freight elevator used for service between basement floors and a sidewalk, or loading landing level, where the hatchway extends outside the building walls, and so designed that no lifting or counterbalance mechanism will extend above the upper landing level.

§(*l*) **Power Elevator.** A power elevator is an elevator in which the motion of the car is obtained by applying energy other than by hand or gravity.

§(m) **Hand-power Elevator.** A hand-power elevator is an elevator which is operated by hand and which has no other motive power.

§(n) **Electric Elevator.** An electric elevator is an elevator in which the motion of the car is obtained by an electric motor directly applied to the elevator machinery.

§(o) **Hydraulic Elevator.** A hydraulic elevator is an elevator in which the motion of the car is obtained by liquid under pressure.

§(p) **Plunger Elevator.** A plunger elevator is a hydraulic elevator having a ram or plunger directly attached to the under side of the car platform.

§(q) **Full-automatic Button-control Elevator.** A full-automatic button-control elevator is an elevator the operation of which is controlled by buttons in such manner that all landing stops are automatic.

§(r) **Elevator Machine.** An elevator machine is a prime mover by which power is applied and converted into motion of the carrying parts.

§(s) **Winding Drum Machine.** A winding drum machine is an elevator machine in which the cables are fastened to, and wind on, a drum.

§(t) **Traction Machine.** A traction machine is an elevator machine in which the motion of the car is obtained by means of traction between the driving drum, sheave or sheaves, and the hoisting cables.

§(u) **Elevator Car.** An elevator car is the load-carrying unit, including platform, its supporting and guiding frame, and enclosure.

§(v) **Car Sling.** A car sling or suspension frame is a supporting frame to which the car platform and upper and lower set of guide shoes are attached.

§(w) **Hoistway.** A hoistway is any shaftway, hatchway, well-hole or other verticle opening or space in which the elevator travels and extending from the bottom of the pit to the under side of the penthouse floor, or under side of sheave screen.

§(x) **Hoistway Enclosure.** A hoistway enclosure is any permanent substantially vertical structure which separates the hoistway either wholly or in part from the floors or landings through which the hoistway extends.

*† For statutory and source citations, see note to §3000.

§(y) **Travel.** The travel of an elevator is the vertical distance from the lowest to the highest landing.

§(z) **Clearance.** Clearance at the top of hoistway is the vertical distance between the lowest point of the overhead work and the highest point of the car enclosure or cross-head when the car is at the upper landing and is the vertical distance between the lowest part of the overhead work directly over the counterweights and the top of the counterweights or counterweight frame when the car is at the lowest landing.

§(a-1) **Landing.** A landing is that portion of a floor, balcony or platform immediately in front of the landing doors, used to receive and discharge passengers or freight.

§(a-2) **Hoistway Door or Gate.** A hoistway door or gate is the door or gate in the enclosure of the elevator hoistway at any landing.

§(a-3) **Elevator-Car Door or Gate.** An elevator-car door or gate is the door or gate in the elevator car.

§(a-4) **Hoistway-Door Interlock.** A hoistway-door interlock is a device the purpose of which is:

(1) To prevent the operation of the car:

(A) Unless only that hoistway door, opposite which the car is standing, is closed and locked (Door Unit System); or

(B) Unless all hoistway doors are closed and locked (Hoistway Unit System);

(2) To prevent the opening of a hoistway door from the landing side:

(A) Unless the car is standing at rest at the landing; or

(B) Unless the car is coasting past the landing with its car control mechanism in the STOP position. (See Section 3020.)

§(a-5) **Hoistway-Door Electric Contact.** A hoistway-door electric contact is an electrical device the purpose of which is to prevent the operation of the car:

(1) Unless that hoistway door opposite which the car is standing is within three inches (3″) of the fully closed position and locked (Door Unit System); or

(2) Unless all hoistway doors are within three inches (3″) of the full closed position and locked. (Hoistway Unit System.) (See Section 3021.)

§(a-6) **Car-Gate Electric Contact.** A car-gate electric contact is an electrical device the purpose of which is to prevent the normal operation of the car, except by the use of a car-leveling device unless the car gate is in the closed position. (See Section 3021.)

*† For statutory and source citations, see note to §3000.

§(a-7) **Emergency Release.** The emergency release is a device, the purpose of which is to make inoperative gate or door electric contact, and/or hoistway door interlocks.

§(a-8) **Car-Leveling Device.** A car-leveling device is a mechanism the purpose of which is to move the car toward the nearest landing level and/or to maintain the car platform substantially at the landing level during loading or unloading. A leveling device, however, may also be used for the emergency operation of the car.

(a-9) **Escalator.** An escalator is a moving continuous stairway or a moving continuous inclined runway designed for elevating or lowering passengers.

(Endless belts, conveyors, chains, buckets, etc., used for the purpose of conveying and elevating materials alone, and upon which passengers are at no time carried, are not classed as escalators.)

(Stevedores handling freight on wharf ramps, and other workmen similarly in charge of freight, riding on similar ramps, are not classed as passengers.)

§(a-10) **Full-Automatic Gate.** A full-automatic gate is one which is opened and closed automatically, directly or indirectly, by the motion of the car.

§(a-11) **Semi-Automatic Gate.** A semi-automatic gate is one which is manually opened and is closed directly or indirectly by the motion of the car.

§(a-12) **Independently Operated Door or Gate.** An independently operated door or gate is one which is opened and closed manually or by power from a source in no way derived from the motion of the car.

§(a-13) **Man-Hoist or Man-Lift.** A man-hoist or a man-lift is a device consisting of an endless belt traveling over fixed pulleys at the top and bottom limits of travel, with this belt carrying steps and handholds so arranged that a person may ride and/or freight may be carried.

§(a-14) **Rack and Pinion Elevator.** A rack and pinion elevator is an elevator raised and lowered by means of a rack and pinion.

§(a-15) **Hydro-Electric Elevator.** A hydro-electric elevator is a plunger type elevator in which the motion of the car is obtained from liquid under pressure and this pressure developed by means of an electrically-driven pump directly connected to machine without intervening accumulator.

§(a-16) **Special Control Elevator.** A special control elevator is any elevator having any variation from standard car switch control, shipper rope control, automatic push button control, or dual control elevators, and in which the control of the elevator may be in any respect automatic at one time and non-automatic at other times.

§(a-17) **Dual Control Elevator.** A dual control elevator is an elevator that may be operated as an automatic push button elevator and so arranged that it can be converted into a manually controlled elevator.

*† For statutory and source citations, see note to §3000.

§(a-18) **Rated Car Speed.** The rated car speed of an elevator shall be the speed in feet per minute at which the machine lifts the rated load.

§(a-19) **Rated Load.** The rated load of an elevator is the load in pounds which the elevator is designed and installed to lift in accordance with these orders.

§(a-20) **Maximum Car Speed.** The maximum car speed of an elevator shall be the greatest speed at which the elevator descends with rated load.*†

§(a-21) **Hand Powered Man Platform.** A device which complies with the following limitations shall be classified as a hand powered man platform.

The said limitations are as follows:

(1) The platform area shall be limited to four and one-third ($4\frac{1}{3}$) square feet.

(2) The capacity shall be limited to one man.

(3) The total weight of the car and the load on the car shall not exceed five hundred (500) pounds.

(4) The car holding safety device shall be drop tested with full load on each installation.

(5) The cable connecting the car to the counterweight shall be not smaller than three eighths ($\frac{3}{8}$) inch diameter, six by nineteen (6 x 19) steel.

(6) The counterweight shall be boxed in for its entire length of travel. It shall be arranged to land before the car strikes the overhead, and no passageway shall be permitted beneath the counterweight.

(7) Hoistway enclosures six (6) feet high shall be provided at all landings.

(8) Hoistway gates complying with Elevator Safety Order 332 shall be provided.

(9) A six (6) foot high car enclosure shall be provided on all unused sides of the car.

(10) A car top shall be provided.

(11) All other applicable provisions of the Elevator Safety Orders and the Mechanical Power Transmission Safety Orders shall be complied with.

Said device shall be subject to the same inspection and permit requirements as a hand power elevator and subject to the same limitations. (Filed 9-15-45)*†

*† For statutory and source citations, see note to §3000.

Article 4. Construction

3020. Construction. In lieu of complete erection drawings and plans, the Commission will accept notification from an elevator company that they intend to install an elevator of a certain type at a definite address, and subsequent notification to the Commission that the elevator installation is complete and ready for service.

The Commission may require, in addition to the above, drawings and/or details of construction of any portion of an installation, and will require such drawings and details of other than recognized standard types of construction.

§(a) Interlocks. The interlock shall not prevent the operation of the car when the emergency release hereinafter described is in temporary use. The interlock need not prevent the operation of the car when the car is being moved by a car-leveling device toward the nearest landing level, provided, the car platform is within twenty-four inches (24″) of landing level and provided, there is a rigid apron attached to and below the car platform, flush with landing edge of the car platform, extending a sufficient distance below the platform so that when the car is automatically leveling in the down direction the lower edge of this apron will be level with or below the landing threshold, and when there is a flush hatchway below the landing threshold, extending far enough below the threshold so that when the car is leveling in the up direction the car platform will be

*† For statutory and source citations, see note to §3000.

In case a student is unable to continue a course due to a college Regulation, the entire fee may be returned, but in each such case the circumstances concerning the application of such Regulation must be stated on the application.*†

1010. Application for refunds shall be made to the president of the college in writing, stating the cause of withdrawal. If the refund is recommended by the president, he shall request the Director of Education that the refund be approved, accompanying such request with the information requested on the application refund blank.

(a)

APPLICATION FOR REFUND OF FEES

_____STATE COLLEGE

(Date)

_____, President

_____ State College

I respectfully request a refund of fees paid by me in the amount of $_____, composed of:

Tuition	$_____
Materials and Service	$_____
Deposits	$_____

My reason for requesting this refund is_____

Very truly yours,

I hereby certify that fees in the amount of $_____

Tuition	$_____
Materials and Service	$_____
Deposits	$_____

were collected by me on receipt # _____, on _____, that this request was
(date)

filed with me before expiration of the time limit as provided on the reverse side hereof and that an unexpended balance of materials and service fees and deposits is due in the amount requested.

Comptroller or Financial Secretary

REQUEST APPROVED:

(College Official Responsible)

*†

California Maritime Academy

1011. The fee charged a resident or non-resident student may be refunded when the application for such refund is approved by the Board of Governors, provided, that the parent or legal guardian of a student who is a minor or the duly authorized representative of a student who is of majority may present the application when the student himself is, in the opinion of the Board, unable to make application; and provided further, that in the case of a resident student $45 for the first month or fraction thereof and $20 for each succeeding month or fraction thereof, or in the case of a non-resident student $90 for the first month or fraction

*† For statutory and source citations, see note to §900.

thereof and $40 for each succeeding month or fraction thereof be retained by the academy to cover expenses incident to the enrollment and attendance of the student.*†

APPLICATION FOR REFUND OF FEES
CALIFORNIA MARITIME ACADEMY

Prepare in Triplicate

Name of Student_____
Date of Registration_____
Date Fee Paid_____Receipt No._____Amount of Fee Paid_____
Date of Withdrawal_____

I hereby certify that the above information is correct.

Secretary or Superintendent Commander

Amount of Refund Requested by Student $_____
Reason for Withdrawal: _____

Signature of Student, Parent, or legal Guardian

Action Recommended by Superintendent-Commander_____

Superintendent-Commander
Action of Board of Governors_____

Secretary

Children of Disabled Veterans with Annual Incomes of $1,800.00 or Less

1012. No child of any United States veteran disabled in the United States Military Service, who has a service connected disability, and whose annual income not including governmental compensation for such service connected disability does not exceed $1,800, shall pay any tuition or incidental fees for attendance in a California State college.*†

1013. The amount of the annual income shall be computed on the basis of the veteran's income during the calendar year immediately preceding the day when the child of the veteran actually registers in the college.*†

1014. If the mother is the disabled veteran, no tuition or incidental fees shall be charged the child if the mother's annual income is $1,800 a year or less, provided that, for purposes of these regulations, all income received by the mother, exclusive of governmental compensation received for military service connected disability, shall be included in determining her annual income.*†

1015. If the father is the disabled veteran, no tuition or incidental fees shall be charged the child if the father's annual income is $1,800 a year or less, provided that, for purposes of these regulations, all

*† For statutory and source citations, see note to §900.

income received by the father, exclusive of governmental compensation received for military service connected disability, shall be included in determining his annual income.*†

1016. Application for waiver of tuition and incidental fees will be considered on the basis of replies submitted to the State college on an application blank worded as follows: *†

California State Department of Education

(Form No. J-41-10) _____State College

(a) APPLICATION BY CHILDREN OF DISABLED VETERANS FOR WAIVER OF TUITION AND INCIDENTAL FEES TO_____ STATE COLLEGE FOR THE TERM_____

Application for the waiver of tuition and incidental fees pursuant to the provisions of Education Code Section 16111, must be received at the office of the state college comptroller at least ten days prior to the date of registration. Each applicant shall furnish conclusive evidence: (a) that he or she is a child of a veteran of the United States Military Service, who has a service connected disability, and (b) that the veteran's annual income, not including governmental compensation for such military service connected disability, during the year immediately preceding the date of registration, does not exceed $1,800.

Applicant's name _____
(first) (middle) (family name)
Date of birth _____Birth place _____
Home address _____
(street and number) (city) (county)
How long have you lived there? _____
Between what dates have you been a resident of California? _____

Veteran's name _____
(first) (middle) (family name)
Home address _____
(street and number) (city) (county)
How long have you lived there? _____
Between what dates have you been a resident of California? _____
Where is your present legal residence? _____
Place where you entered military service of the United States

(city) (county) (state)
Organization of which you were a member _____
Date you entered military service of the United States _____
Date of separation from military service _____
(b) I _____ employed.
(am or am not)
If employed, name of firm or individual _____
My salary or wage for the year ending _____ was $_____
(date)
My annual income, not including governmental compensation for my military service connected disability, did not exceed $1,800 for the year ending _____
(Same date as next above)
I have been a resident of the State of California continuously since _____

Signature of veteran

Subscribed and sworn before me
this _____ day of _____, 19____.

Notary Public

*† For statutory and source citations, see note to §900.

NOTE: The veteran will attach to this application a letter from a citizen of standing in his community such as one of the following persons: banker, clergyman, high school principal. The letter of endorsement must substantiate the veteran's statement to the effect that the student seeking admission to the State college is a child of the veteran.

The veteran whose signature appears on this application must attach herewith a letter signed by the commander or the adjutant of either:

(a) His veteran or foreign wars post,

(b) His disabled veteran's chapter, or

(c) His American Legion post, stating that the applicant's father is a veteran of the United States military service with a service connected disability. If a letter from any of the aforementioned persons can not be obtained, the veteran shall then secure the statement from his local postmaster who delivers to the veteran his governmental compensation payments of his pension or retirement payments.

Veteran's Compensation (c) Number_____
or
Veteran's Serial Number_____

Application Approved _____

President _____State College*†

(§§1012-1016 filed 10-8-46; effective 10-8-46.)

*† For statutory and source citations, see note to §900.

(k) **Claremont Colleges, Claremont**
- General Elementary Credential
- Junior High School Credential
- General Secondary Credential
- Attendance Officer Credential
- Junior College Credential
- Special Secondary Credentials in
 - Art
 - Music
 - Physical Education, Men and Women
- Administration Credentials in
 - General Administration
 - Secondary School Administration
 - Elementary School Administration
- Supervision Credentials in
 - Secondary School Supervision
 - Elementary School Supervision
 - Special Supervision

(*l*) **Dominican College, San Rafael**
- General Elementary Credential
- Junior High School Credential
- General Secondary Credential
- Special Secondary Credentials in
 - Art
 - Music

(m) **Mills College, Mills College**
- Kindergarten-Primary Credential
- General Elementary Credential
- General Secondary Credential
- Junior College Credential
- Special Secondary Credentials in
 - Art
 - Homemaking
 - Music
 - Physical Education

(o) **College of the Pacific, Stockton**
- General Elementary Credential
- Junior High School Credential
- General Secondary Credential
- Special Secondary Credentials in
 - Art
 - Homemaking
 - Music
 - Physical Education, Men and Women
 - Speech Arts
 - Speech Defects
- Administration Credentials in
 - Elementary School Administration
- Supervision Credentials in
 - Elementary School Supervision

Secondary School Supervision
Special Supervision
Attendance Officer Credential

(p) **University of Redlands, Redlands**
General Elementary Credential
Junior High School Credential
Junior College Credential
General Secondary Credential
Special Secondary Credentials in
Art
Music
Physical Education, Men and Women
Speech Arts
Administration Credentials in
Secondary School Administration
Elementary School Administration
Supervision Credentials in
Secondary School Supervision
Elementary School Supervision
Special Supervision

(q) **Whittier College, Whittier**
Kindergarten-Primary Credential
General Elementary Credential
General Secondary Credential
Special Secondary Credentials in
Homemaking
Music
Physical Education, Men and Women

(r) **Immaculate Heart College, Hollywood**
General Elementary Credential
Junior High School Credential
General Secondary Credential
Special Secondary Credentials in
Art
Music

(s) **San Francisco College for Women, San Francisco**
Kindergarten-Primary Credential
General Elementary Credential
Junior High School Credential
General Secondary Credential

(t) **Mt. Saint Mary's College, Los Angeles**
General Elementary Credential
Junior High School Credential
Special Secondary Credential in Music

(u) **College of the Holy Names, Oakland**
General Elementary Credential
Junior High School Credential
General Secondary Credential
Special Secondary Credentials in
Music
Speech Arts*†

824. Credentials for Which Institutions Are Temporarily Approved. The following institutions are accredited for limited periods of time to recommend candidates for the credentials listed below. Future reaccreditation of these institutions to authorize them to train and recommend for these credentials is contingent upon improvement in their educational programs.

(a) **California Polytechnic School, San Luis Obispo**
Special Secondary Credentials in
Vocational Agriculture
Limited Agriculture

(b) **Chapman College, Los Angeles**
General Elementary Credential
Junior High School Credential
Special Secondary Credentials in
Art
Music
Physical Education, Men and Women

(c) **Chico State College, Chico**
General Secondary Credential
Administration Credential in
Elementary School Administration
Supervision Credentials in
Elementary School Supervision
Special Supervision

(d) **Fresno State College, Fresno**
General Secondary Credential
Supervision Credential in
Secondary School Supervision

(e) **George Pepperdine College, Los Angeles**
General Elementary Credential
Special Secondary Credentials in
Homemaking
Music

(f) **La Verne College, La Verne**
General Elementary Credential
Junior High School Credential
Special Secondary Credentials in
Music

(g) **Mt. Saint Mary's College, Los Angeles**
General Secondary Credential

(h) **Occidental College, Los Angeles**
General Elementary Credential
Junior High School Credential
Junior College Credential

*† For statutory and source citations, see note to §800.

General Secondary Credential
Special Secondary Credentials in
Music
Physical Education, Men and Women

(i) **San Diego State College, San Diego**
General Secondary Credential
Administration Credential in
Elementary School Administration
Supervision Credentials in
Elementary School Supervision
Special Supervision

(j) **San Francisco State College, San Francisco**
General Secondary Credential
Administration Credential in
Elementary School Administration
Supervision Credentials in
Elementary School Supervision
Special Supervision
Secondary School Supervision

(k) **San Jose State College, San Jose**
General Secondary Credential
Librarianship Credential
Special Secondary Credentials in
Art
Business Education
Homemaking
Industrial Arts
Music
Physical Education, Men and Women
Speech Arts
Speech Correction
Administration Credential in
Elementary School Administration
Supervision Credentials in
Elementary School Supervision
Special Supervision

(*l*) **Santa Barbara College, University of California**
Kindergarten-Primary Credential
General Elementary Credential
Junior High School Credential
Special Secondary Credentials in
Art
Homemaking
Industrial Arts
Music
Physical Education, Men and Women

(m) **University of Southern California, Los Angeles**
Special Secondary Credentials in
Correction of Speech Defects*†

(n) **College of Pacific, Stockton**
Administration Credential
Secondary School Administration

*† For statutory and source citations, see note to §800.

Article 5. Schedule of Reaccreditation Dates of California Teacher Education Institutions

834. Schedule of Reaccreditation Dates of California Teacher Education Institutions.

Institution and Credential	Year				
	1946–47	1947–48	1948–49	1949–50	1950–51
1. University of California			X		
2. University of California at Los Angeles		X			
3. Santa Barbara College, University of California		X			
4. California Polytechnic School	X				
5. Chico State College					X
General Secondary			X		
Elementary School Administration			X		
Elementary School Supervision			X		
Special Supervision			X		
6. Fresno State College			X		
7. Humboldt State College					X
Elementary School Supervision	X				
Elementary School Administration	X				
Special Supervision	X				
8. San Diego State College					X
General Secondary			X		
Elementary School Administration			X		
Elementary School Supervision			X		
Special Supervision			X		
9. San Francisco State College					X
General Secondary			X		
Elementary School Administration			X		
Elementary School Supervision			X		
Special Supervision			X		
Secondary School Supervision			X		
10. San Jose State College					X
General Secondary Credential			X		
Librarianship			X		
Special Secondary Credentials in					
Art			X		
Business Education			X		
Homemaking			X		
Industrial Arts			X		
Music			X		
Physical Education			X		
Speech Arts			X		
Speech Correction			X		
Elementary School Administration			X		
Elementary School Supervision			X		
Special Supervision			X		
11. Stanford University			X		
12. University of Southern California					X
Special Secondary in Correction of Speech Defects		X			
13. Chapman College	X				
14. Claremont College	X				
15. Dominican College			X		
16. Mills College					X

Institution and Credential	Year				
	1946–47	1947–48	1948–49	1949–50	1950–51
17. Occidental College			X		
Junior College Credential	X				
18. College of the Pacific					X
Secondary School Administrative	X				
19. University of Redlands			X		
20. Whittier College	X				
21. Immaculate Heart College					X
22. San Francisco College for Women		X			
General Secondary				X	
23. Mt. Saint Mary's College		X			
General Secondary	X				
24. College of the Holy Names		X			
General Secondary				X	
25. George Pepperdine College		X			
26. La Verne College	X				

*†

*† For statutory and source citations, see note to §800.

Article 6. Acceptance for Credential Purposes of Credit Earned in Institutions not Included in the List of Accredited California Teacher Education Institutions

844. Acceptance for Credential Purposes of Credit Earned in Institutions Not Included in the List of Accredited California Teacher Education Institutions. (a) Appropriate undergraduate credit earned in universities and in colleges offering a four-year program leading to a standard baccalaureate degree may be accepted as meeting undergraduate credit requirements for California credentials if the credit is earned in universities and colleges on the list of institutions accredited by the Association of American Universities, the American Association of Teachers Colleges, the Southern Association of Colleges and Secondary Schools, or the North Central Association of Colleges and Secondary Schools.

(b) Appropriate credit earned in teacher education institutions accredited by a recognized professional association or by other recognized competent authority may be accepted as meeting undergraduate credit requirements for California special subject credentials in the respective fields.

(c) Appropriate undergraduate credit earned in a non-accredited educational institution may be accepted as meeting undergraduate credit requirements for California credentials, if the applicant verifies unconditional graduate standing in a recognized high standard teacher education institution which offers an advanced degree. (Sections 800 to 844, inclusive, filed 5-10-46; effective 5-10-46.)*†

*† For statutory and source citations, see note to §800.

Article 51. Special Subject Supervision Vocational Class B Credential in Trade and Industrial and Public Service Education

466. Application. An applicant for the special subject supervision vocational Class B credential in trade and industrial and public service education shall submit the application through the Division of Vocational Education at the University of California, Berkeley, or the University of California at Los Angeles and shall otherwise comply with the procedure prescribed for application (Section 201), and shall have completed a program including the following minimum requirements:

(a) Possession of a valid special secondary vocational Class A or Class B credential, or life diploma in trade and industrial and public service education for which all teacher training requirements are completed.

(b) Three years of successful teaching experience in trade and industrial and public service classes meeting the requirements of the California Plan for trade and industrial and public service education for which reimbursement is approved under the Federal and State Vocational Education Acts.

(c) Ten semester hours of professional courses[1] relating to school organization, administration and supervision. The work should be distributed as follows:

(1) Required courses:
A. Supervision of vocational education.
B. Principles of conference leading.
C. Cooperative and apprentice education.

(2) Elective courses from the following list:
A. Construction of vocational curricula.
B. Seminar in vocational curricula.
C. Personnel management.
D. Labor economics.
E. Industrial organization and management problems.*†

467. Authorization for Service. The special subject supervision vocational Class B credential in trade and industrial and public service education authorizes the holder to supervise approved trade and industrial and public service classes and other classes in trade and industrial education as a department head and department supervisor in a secondary school or as a special city supervisor of classes in a particular trade, industrial, or public service field and, also, to serve as a coordinator in the special trade, industrial or public service field in which the applicant possesses the special secondary vocational teaching credential or life diploma.*†

468. Term. The special subject supervision vocational Class B credential in trade and industrial and public service education may be issued for a period of time corresponding to the term of the basic teaching credential in trade and industrial education held by the applicant,

[1] Courses taken by the applicant for the basic vocational teacher education will not be accepted as meeting the requirements of professional courses for the supervision credential.

*† For statutory and source citations, see note to §200.

except that when the basic credential is a life diploma, the initial special subject supervision vocational Class B credential in trade and industrial and public service education may be issued for a period of five years and may be renewed for periods of five years in accordance with provisions of Section 202.*†

Article 52. Secondary School Administration Credential in Trade and Industrial Education

471. Application. An applicant for the secondary school administration credential in trade and industrial education shall submit the application through the Division of Vocational Education at the University of California, Berkeley, or the University of California at Los Angeles, and shall otherwise comply with the procedure prescribed for application (Section 201) and shall have completed a program including the following minimum requirements:

(a) Possession of a valid special secondary vocational Class A or Class B credential or life diploma in trade and industrial education for which all teacher training requirements are completed.

(b) A bachelor's degree from a recognized college or university.

(c) Three years of successful teaching experience in trade and industrial education classes.

(d) Eighteen semester hours[1] including work in the following subject groups:

(1) Supervision of Vocational Education.
(2) Conference Leading.
(3) Cooperative and Apprenticeship Education.
(4) School Organization and Administration.
(5) School Organization and Finance.
(6) Adult Education.
(7) Educational Surveys.
(8) Pupil Personnel, Counselling, Guidance and Parent Education.
(9) Tests and Measurements.
(10) Curriculum Construction.
(11) Secondary Education.*†

472. Authorization for Service. The secondary school administration credential in trade and industrial education authorizes the holder to serve as a principal, vice principal or supervisor of a trade school, and also to serve as a general supervisor or coordinator of approved trade and industrial classes and other classes in trade and industrial education.*†

[1] Courses taken by the applicant in fulfillment of the requirements for the basic credential in trade and industrial education and in fulfillment of the requirements for the baccalaureate degree will not be counted toward the 18 semester hours of professional courses required for this administration credential. If the subject fields listed above have been covered in the completion of the requirements for the baccalaureate degree or the basic teaching credential, other courses may be substituted for the 18 semester hours upon the recommendation of the Supervisor of Trade and Industrial Teacher Training, University of California, Berkeley or University of California at Los Angeles.

*† For statutory and source citations, see note to §200.

hazards on streets and highways may be issued for a period of two years and may be renewed for five year periods upon the passing of another examination given by the committee consisting of representatives of the Department of Motor Vehicles and the Department of Education and upon compliance with the provisions of Section 202.*†

Article 27. Special Secondary Credential in Sciences Basic to Medicine

346. Application. An applicant for the special secondary credential in sciences basic to medicine shall comply with the procedure prescribed for application (Section 201) and shall have completed a program including the following minimum requirements:

(a) Graduation with the degree of Doctor of Medicine from an accredited school of medicine.

(b) Possession of an unrevoked license as physician and surgeon in the State of California.*†

347. Authorization for Service. The special secondary credential in sciences basic to medicine authorizes the holder to teach sciences basic to medicine in elementary and secondary schools.*†

348. Term. The special secondary credential in sciences basic to medicine may be issued for a period of two years and may be renewed for periods of five years in accordance with provisions of Section 202.*†

Article 28. Special Secondary Credential in Speech Arts

351. Application. An applicant for the special secondary credential in speech arts shall comply with the procedure prescribed for application (Section 201) and shall have completed a program including the following minimum requirements:

(a) A four year college course with a bachelor's degree.

(b) Sixteen semester hours of work in the subject groups of English, science, social studies, and physical education.

(c) Fifteen semester hours of professional work in education including:

(1) A course dealing with the aims, scope, and desirable outcomes of the elementary and the secondary school.

(2) Directed teaching in some phase of speech arts (oral English, English dramatization, dramatics, etc.), four semester hours.

(3) Method courses in speech arts.

(4) Other courses in education organized for the training of teachers.

(d) A major in speech arts.*†

352. Authorization for Service. The special secondary credential in speech arts authorizes the holder to teach public speaking, oral expression, and dramatic art in elementary and secondary schools.*†

*† For statutory and source citations, see note to §200.

353. Term. The special secondary credential in speech arts may be issued for a period of two years and may be renewed for periods of five years in accordance with provisions of Section 202.*†

Article 29. Special Secondary Credential in Correction of Speech Defects

356. Application. An applicant for the special secondary credential in correction of speech defects shall comply with the procedure prescribed for application (Section 201) and shall have completed a program including the following minimum requirements:

(a) Possession of a valid California teacher's certificate, credential, or life diploma of elementary or secondary school grade.

(b) Two years of successful teaching experience or four semester hours of superior directed teaching completed in an approved teacher education institution.

(c) Personal characteristics indicating probable success in teaching handicapped children.

(d) Twelve semester hours of special work including:

(1) Technique of normal speech.
(2) Mental hygiene.
(3) Speech defects and disorders.
(4) Speech correction.
(5) Directed teaching in speech correction.
(6) Problems in the teaching of speech correction.*†

357. Authorization for Service. The special secondary credential in correction of speech defects authorizes the holder to teach correction of speech defects in elementary and secondary schools.*†

358. Term. The special secondary credential in correction of speech defects may be issued for a period to correspond to the term of the basic teaching credential held, except that when the basic credential is an unlimited credential or a life diploma the initial special secondary credential in correction of speech defects may be issued for a period of five years and may be renewed for periods of five years in accordance with provisions of Section 202.*†

Article 30. Special Secondary Vocational Class A Credential in Trade and Industrial and Public Service Education

361. Application. An applicant for the special secondary vocational Class A credential in trade and industrial and public service education, must be between twenty-four and forty-five years of age, and shall submit the application through the Division of Vocational Education at the University of California, Berkeley, or the University of California at Los Angeles, and shall otherwise comply with the procedure prescribed for application (Section 201) and shall have completed a program including the following minimum requirements:

(a) Graduation from a secondary school.

*† For statutory and source citations, see note to §200.

(b) Successfully passed an examination in oral and written English, civic and general information, and in the trade or industrial occupation for which the credential is sought.

(c) Three years experience as a journeyman worker based upon apprenticeship training or its equivalent in the trade or industrial or public service occupation to be named in the credential.

(d) One year of the required journeyman experience during the preceding three years in the trade or industrial or public service occupation to be named in the credential.

(e) Twenty-two semester hours of professional courses offered by the University of California, Division of Vocational Education, in the vocational teacher training curriculum for the preparation of trade and industrial and public service teachers. The work should be distributed as follows and shall include the completion of a trade or occupational analysis. The completed trade analysis shall be submitted to the University of California, Division of Vocational Education upon the completion of twelve semester hours.

Subject	*Semester hours*
(1) Occupational Analysis	2
(2) Techniques of Vocational Instruction	2
(3) Organization and Management Instruction	2
(4) Preparation of Instruction Sheets	2
(5) Construction of Vocational Curricula	2
(6) Occupational Tests and Measurements	2
(7) Principles and Practices of Vocational Education	2
(8) Vocational Guidance	2
(9) Civic and Employment Relations	2
(10) Secondary Education	2
(11) Observation and Directed Teaching	2

(f) **Postponement of Requirements.** A credential valid for one year may be issued to an applicant who has not completed the required training, provided:

(1) A definite vacancy exists for which there is no legally qualified applicant [1] available.

(2) A request for the granting of a credential is made to the Commission of Credentials by the employing authority stating intention to employ the applicant.

NOTE.—The applicant receiving the credential under these conditions must complete the required teacher education as indicated in the credential before a five year renewal is granted.

362. Authorization for Service. The special secondary vocational Class A credential in trade and industrial and public service education authorizes the holder to teach the trade, industrial, or public service occupation to be named in the credential and the trade and related technical subjects related and limited to the occupation to be named in the credential in all schools and classes meeting the requirements of the California Plan for Trade and Industrial and Public Service

[1] A legally qualified applicant is one who has met the requirements for certification, has passed the trade test in his field, and has had his application approved for the credential.

*† For statutory and source citations, see note to §200.

Education, for which reimbursement is approved under the Federal and State Vocational Education Acts.*†

363. Term. The special secondary vocational Class A credential may be issued for a period of two years and may be renewed for five year periods in accordance with provisions of Section 202 and upon the completion of six semester hours of work within two years subsequent to the completion of the basic twenty-two semester hours of teacher education courses. This work shall be given under the direction of the Division of Vocational Education of the University of California, Berkeley, or the University of California at Los Angeles, and shall meet with the approval of the Commission of Credentials.*†

Article 31. Special Secondary Vocational Class B Credential in Trade Technical Subjects Related to Trade and Industrial Occupations

366. Application. An applicant for the special secondary Class B vocational credential in trade technical subjects related to trade and industrial occupations must be between twenty-four and forty-five years of age and shall submit the application through the Division of Vocational Education of the University of California, Berkeley, or the University of California at Los Angeles, and shall otherwise comply with the procedure prescribed for application (Section 201) and shall have completed a program including the following minimum requirements:

(a) Graduation in engineering from a college or university of recognized merit or an equivalent amount of technical training and education of a practical engineering nature, in special preparation for the work.

(b) Three years of satisfactory engineering or industrial experience after receiving the degree in engineering.

(c) One year of practical experience within the preceding three years in an occupation related to the technical subjects for which the credential is sought.

(d) Twenty-two semester hours of professional work in education, completed in the trade and industrial or public service teacher education curriculum for the preparation of trade and industrial and public service teachers.

(e) **Postponement of Requirements.** A credential valid for one year may be issued to an applicant who has not completed the required training, provided:

(1) A definite vacancy exists for which there is no legally qualified applicant [1] available.

(2) A request for the granting of a credential is made to the Commission of Credentials by the employing authority stating intention to employ the applicant.

NOTE.—The applicant receiving the credential under these conditions must complete the required teacher education as indicated in the credential before a five year renewal is granted.*†

[1] A legally qualified applicant is one who has met the requirements for certification, has passed the trade test in his field, and has had his application approved for the credential.

*† For statutory and source citations, see note to §200.

367. Authorization for Service. The special secondary vocational Class B credential in trade technical subjects related to trade and industrial occupations authorizes the holder to teach the subjects to be listed in the credential as technical institute courses in junior colleges and technical schools under the provisions of the California Plan for Trade and Industrial Education.*†

368. Term. The special secondary vocational Class B credential in trade technical subjects related to trade and industrial occupations may be issued for a period of two years and may be renewed for five year periods in accordance with provisions of Section 202 and upon the completion of six semester hours of work within two years subsequent to the completion of the basic twenty-two semester hours of teacher education courses. This work shall be given under the direction of the Division of Vocational Education of the University of California, Berkeley, or the University of California at Los Angeles, and shall meet with the approval of the Commission of Credentials.*†

Article 32. Special Secondary Vocational Class C1 Credential in Coordination of Trade and Industrial and Public Service Education

371. Application. An applicant for the special secondary vocational Class C1 credential in coordination of trade and industrial and public service education shall submit the application through the Division of Vocational Education of the University of California, Berkeley, or the University of California at Los Angeles, and shall otherwise comply with the procedure prescribed for application (Section 201), and shall have completed a program including the following minimum requirements:

Subject group	*Semester hours*
(a) Professional courses offered by the University of California, Division of Vocational Education in the vocational teacher training curriculum for the preparation of trade and industrial and public service teachers	22
(b) Cooperative and Apprentice Education	2
(c) Principles of Conference Leading	2
(d) Supervision of Trade and Industrial and Public Service Education	2

(e) **Postponement of Requirements.** A credential valid for one year may be issued to an applicant who has not completed the required training, provided:

(1) A definite vacancy exists for which there is no legally qualified applicant available.

(2) A request for the granting of a credential is made to the Commission of Credentials by the employing authority stating intention to employ the applicant.

NOTE.—The applicant receiving the credential under these conditions must complete the required teacher education as indicated in the credential before a five year renewal is granted.

NOTE.—The above arrangement makes it possible for a person to earn a coordination credential, satisfy the six semester hours requirement for the five year renewal of the special secondary Class A and Class B credentials in trade and industrial and public service education or of both of these credentials and, at the same time, apply the six semester hours in fulfillment of the requirements for the supervising credential.*†

*† For statutory and source citations, see note to §200.

372. Authorization for Service. The special secondary vocational Class C1 credential in coordination of trade and industrial and public service education authorizes the holder to coordinate the trade or industrial and public service classes to be named in the credential and which classes meet the requirements of the California Plan for Trade and Public Service Education for which reimbursement is approved under the State and Federal Vocational Education Acts.

All subjects in which such coordination may be carried on will be evaluated in terms of the certification, training, experience and qualifications of the applicant.*†

373. Term. The special secondary vocational Class C1 credential in coordination of trade and industrial and public service education may be issued for a period of two years and may be renewed for five year periods in accordance with provisions of Section 202 and upon the completion of five months of successful coordination experience in the public schools of California.*†

Article 33. Special Secondary Vocational Class C2 Credential in Coordination of Trade and Industrial and Public Service Education

376. Application. An applicant for the special secondary vocational Class C2 credential in coordination of trade and industrial and public service education shall submit the application through the Division of Vocational Education of the University of California, Berkeley, or the University of California at Los Angeles, and shall otherwise comply with the procedure prescribed for application (Section 201), and shall have completed a program including the following minimum requirements:

(a) An applicant who holds a bachelor's degree with a major in industrial education, and who has had a minimum of three years of teaching experience and an acceptable amount of occupational experience, may receive the coordination credential in miscellaneous occupations and for cooperative education courses, provided that he verifies completion of six semester hours of professional work in courses offered for coordinators by the Division of Vocational Education, University of California, Berkeley, and University of California at Los Angeles, and approved by the Bureau of Trade and Industrial Education, State Department of Education, as follows:

Subject group	*Semester hours*
(1) Cooperative and Apprentice Education	2
(2) Principles of Conference Leading	2
(3) Supervision of Trade and Industrial and Public Service Education	2

(b) **Postponement of Requirements.** A credential valid for one year may be issued to an applicant who has not completed the required training, provided:

(1) A definite vacancy exists for which there is no legally qualified applicant available.

*† For statutory and source citations, see note to §200.

United States, a valid renewable credential, other than any credential for which the State Board of Education has established special recency of training or experience requirements, may, on or after May 1 of the year of its expiration, be renewed to June 30 of the succeeding calendar year without meeting this recency of training or experience requirement.*†

203. Life Diplomas. (a) Life diplomas are granted in accordance with the provisions of Article 10, Chapter 1, Division 7 of the Education Code and Rules and Regulations of the State Board of Education.

(b) Combination life diplomas shall not be issued.

(c) A separate application must be submitted for a life diploma in each level or subject field for which application is made.

(d) The application shall be submitted, on the form provided by the State Board of Education, to the county superintendent of schools of the county in which the applicant is serving, or if an applicant is not employed, to the county superintendent of schools of the county in which he last served.

(e) The application shall be accompanied with:

(1) A recommendation, on the form provided by the State Board of Education, from the county board of education of the county in which the applicant is serving, or if the applicant is not employed, in the public schools of California from the county board of education of the county in which he last served.

(2) A health certificate, on the form prescribed by the State Board of Education, dated within six months prior to the date of the submission of the application.

(3) A $3 fee in the form of a money order, Cashier's check or certified check.

(4) Original letters from responsible persons having knowledge of the facts verifying that the applicant has completed the experience required by law and these rules and regulations showing the inclusive dates of such experience, the actual number of months thereof and the degree of success attained therein.

(5) The applicant's county certificate or state credential authorizing the specific service to be designated on the life diploma for which application is made. A combination certificate or combination state credential may be used as a basis for a life diploma in each of the levels or subject fields named therein.

(6) If the application is based upon an elementary county certificate granted upon examination, a complete record of the history of the certificate, must be submitted. If such county certificate was issued upon a certificate originally issued by the county board of education of another county upon examination, the latter certificate must also be submitted if in the possession of the applicant; if such original certificate is not in the possession of the applicant, the necessary informaton shall be secured from the county of original issue by the recommending County Board of Education.

*† For statutory and source citations, see note to §200.

(7) If the application is based upon a county certificate issued upon a normal school diploma, the date of the normal school diploma must appear on the certificate, or if such date does not appear on the certificate both the county certificate and the normal school diploma shall be submitted.

(f) When the application is approved by the County Board of Education, such approval shall be recorded on the County Board of Education recommendation for life diploma form provided by the State Board of Education.

(g) The application, when complete, shall be submitted by the county superintendent of schools to the Commission of Credentials.

204. Appeals to the State Board of Education. Any applicant for a credential or life diploma who is dissatisfied with the action taken on the application by the Commission of Credentials may appeal to the State Board of Education pursuant to the provisions of Education Code section 12044. Failure of the Commission of Credentials to issue a credential or life diploma within sixty days after a complete application has been filed with the Commission, may at the option of the applicant, be treated as a denial of the application. Such appeal may be taken by filing with the Secretary of the State Board of Education and the Secretary of the Commission of Credentials, a notice in writing stating that the applicant appeals from the decision of the Commission of Credentials. Upon the filing of such notice with the Secretary of the Commission of Credentials, he shall file with the Secretary of the State Board of Education, the application and other supporting documents theretofore filed with the Commission of Credentials.*†

205. Hearings by State Board of Education. All hearings held by the State Board of Education on any application for a credential or life diploma shall be conducted in accordance with provisions of Chapter 5, Part 1, Division 3, Title 2 of the Government Code.*†

206. Service Authorized by Credentials and Life Diplomas. Each credential or life diploma authorizes the holder to perform the services listed in it, and in addition to the authorization for service appearing on any general or special secondary credential or life diploma authorizing service in regular day classes, such credential or life diploma authorizes the holder thereof to serve in a study hall or in non-teaching assignments.

A school district is not, however, qualified to receive reimbursement from State Vocational Education Funds for vocational classes taught by the holder of a California State credential or life diploma, unless among other requirements, the teacher of these classes holds either:

(1) A California State special secondary or adult education credential or life diploma which specifically authorizes the teaching of such classes or

(2) A California State junior high school, general secondary, junior college, special secondary, or adult education credential or life diploma authorizing the teaching of the subject and in addition a permit authorizing the teaching of such classes, which permit is issued under authority of the State Plan for Vocational Education.*†

*† For statutory and source citations, see note to §200.

(g) **Experience in Lieu of Directed Teaching.** The Commission of Credentials may at its discretion accept appropriate successful teaching experience in partial or complete fulfillment of the directed teaching requirement for each credential which authorizes teaching.

(h) **Course in United States Constitution.** Each application for the junior college credential, the general secondary credential, the junior high school credential, the general elementary credential, and the kindergarten-primary credential shall be accompanied with evidence verifying that the applicant has passed, in a recognized college or university or under the auspices of a county board of education in California, a satisfactory examination on the provisions and principles of the Constitution of the United States or has completed satisfactorily a minimum of two semester hours of work therein in a junior college, college or university of recognized merit in California, provided that, such a credential may be granted to remain valid to the credential expiration date in the year next following the first issuance of the credential, but for not less than twelve calendar months, and provided further, that in the case of credentials subject to this requirement, a second credential of the same kind shall not be granted to a person until this requirement has been met.

(i) **Educational Experience.** For each credential granted in whole or in part on the basis of educational experience, the application must be accompanied with original letters from responsible persons having knowledge of the facts verifying the dates and character of the experience claimed.

(j) **Recency of Training and Experience.** Each application for a credential, except credentials for which other renewal requirements are specifically established, must be accompanied with official transcripts of record of college or university work or of original letters verifying that the applicant has during the five-year period immediately preceding the date of application completed satisfactorily (1) a minimum of six semester hours of upper division or graduate college or university work of recognized standard, or (2) a minimum of five months of successful school experience, or (3) a minimum of five months of other experience in educational work of a type and in an amount which satisfies the Commission of Credentials that the applicant is acquainted with acceptable current educational practices.

This requirement of recency of training or experience for the issuance of any credential shall not be effective during the existence of the national emergency declared by the President of the United States as to any applicant when such applicant has met all other requirements for the issuance of such credential and on or after May 1 of any calendar year applies for the issuance of such credential for the period ending June 30 of the succeeding calendar year.

(k) **Citizenship.** Each application for a credential, except an application for an exchange teacher credential must be accompanied with verification showing that the applicant meets the citizenship requirements established by the State Labor Code.

Each applicant subject to citizenship requirements must be a citizen of the United States or must present evidence in the form of original documents or certified copies thereof verifying that he has declared his

*† For statutory and source citations, see note to §200.

intention to become a citizen of the United States, in which event he may be granted a credential valid to a date not later than the end of the six months period following the date when he is first eligible to apply for final papers of citizenship. During the national emergency declared by the President of the United States, nationals of the nations allied with the United States or with which the United States is at peace may secure a credential valid for a period that does not extend beyond 91 days after the final adjournment of the 1947 regular session of the Legislature or until the cessation of hostilities in all wars in which the United States is engaged whichever first occurs.

(*l*) **Age of Applicants.** Each applicant for a credential must certify that he has attained the age of eighteen years.

(m) **Applicants Whose Previous Certification Document Has Been Revoked or Suspended.** An application for a certification document or for the renewal of a certification document submitted by a person who has had a certification document revoked or suspended by the State Board of Education shall be presented to the Board for such action thereon as the Board deems appropriate.*†

202. Renewal of Credentials. Credentials may, prior to their date of expiration, be renewed as provided in Article 11, Chapter 1, Division 7 of the Education Code pursuant to this section.

Valid renewable credentials may be renewed by submitting the following materials to the Commission of Credentials:

(a) A letter requesting renewal.

(b) A health certificate on the form prescribed by the State Board of Education, except for the renewal of the adult education credential for short unit courses.

This requirement is not in effect during the continuance of the national emergency declared by the President of the United States.

(c) The fee of three dollars in the form of a money order or certified check.

(d) Verification of completion of requirements, if any, listed in the credential and of any additional renewal requirements established in the specification for the credential in question by State Board of Education regulations.

(e) Verification of recency of training by official transcript of record, or of recency of experience by original letters from responsible persons having knowledge of the facts as follows:

Each applicant for the renewal of a credential, other than any credential for which the State Board of Education has established other and additional special training and experience requirements for renewal, shall verify that he has, during the five-year period immediately preceding the date of application for renewal, completed either (1) a minimum of six semester hours of upper division or graduate work of recognized standard, or (2) a minimum of five months of successful school experience, or (3) a minimum of five months of experience in other educational work of a type and in an amount which satisfies the Commission of Credentials that he is acquainted with acceptable current educational practices. During the national emergency declared by the President of the

*† For statutory and source citations, see note to §200.

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gether with copy of invoice or invoices listed on the report. Page 4 shall be retained by the California taxpayer. The out-of-State purchaser must report the importation to the liquor control authority of his own state and obtain the approval of such authority on page 1 of the report. The approved page 1 must then be returned to the California taxpayer. Page 1, properly approved, must be kept on file at the premises of the California taxpayer as proof of export and for verification by employees of the board.

Claims for tax exemption, where delivery is made to the purchaser in this State, will be allowed only upon completion of the foregoing procedure.

(b) Tax exemption will also be allowed for sales for export in cases in which, pursuant to the contract of sale, delivery is made to a point outside of this State by a common carrier, if the California taxpayer's claim for exemption is supported by a copy of the shipping documents receipted for by the common carrier.

(c) **Fishing Boats.** Distilled spirits taxpayers may sell State tax-paid distilled spirits to persons operating fishing boats for use outside of California upon the high seas.

(d) **Armed Forces.** Tax exemption will be allowed for sales for export in which delivery is made to an armed force of the United Nations at a depot in this State for transport out of the State, if the taxpayer's record of such sales is supported by a copy of the official purchase order and documentary evidence of export.

(e) **Ships' Stores of Requisitioned Ships.** Tax exemption will be allowed for a sale of alcoholic beverages for delivery or use without the State where the alcoholic beverages are delivered by a taxpayer to a vessel which, at the time of such sale, is requisitioned under the Merchant Marine Act of 1936, or is operated by the War Shipping Administration for the account of the United States Government, provided that the taxpayer's record of such sale is supported by a delivery receipt and documentary evidence of the fact that the vessel is requisitioned under the Merchant Marine Act of 1936, or is operated by the War Shipping Administration for the account of the United States Government.

(f) **Invoices.** Invoices covering the sale of alcoholic beverages for export must bear the notation: "Sold for export." [Filed 11-15-45; Effective 11-15-45]*†

Article 11. Applications and Licenses

56. Sales Tax Must Be Paid. A license will not be issued, transferred, nor renewed if the person or persons interested are delinquent in their obligations under retail Sales Tax Act or Use Tax Act.*†

57. Fingerprinting of Licensees. Every licensee and the managing officers of every corporate licensee shall have their fingerprints taken by the board, if they have not heretofore been so fingerprinted.

Every person who applies for a license and the managing officers of a corporate applicant shall have their fingerprints taken by the board at the time of filing an application for a license. The husband or wife of

*† For statutory and source citations, see note to §1.

a licensee or of an applicant for a license shall have his or her fingerprints taken by the board, if such spouse works or is to work on or in the licensed premises or is engaged, or is to be engaged to work in any way in the operation of the licensed business.*†

58. Operation of Bona Fide Public Eating Place. An applicant for an on-sale beer and wine license, an on-sale general license, an on-sale distilled spirits license for a seasonal business, and for the transfer of any such licenses from one location to another location, shall own, operate and conduct at the premises for which application is made a bona fide hotel, restaurant, cafe, cafeteria, or other public eating place for not less than 30 days prior to the issuance of the license. The foregoing requirement shall not apply in the case of an applicant for a veterans' club license, an application by a bona fide club after such club has been lawfully operated for not less than one year, or an application for the transfer from one location to another location when the applicant has been operating a bona fide public eating place at the location from which he is transferring the license or when a bona fide public eating place has been in operation at the location to which the license is being transferred for a period of at least 30 days prior to the transfer of the license. [Filed 12-17-46; Effective 12-17-46.]

59. On-Sale General License Fees. (a) The annual fee for an on-sale general license shall be $75, plus an amount in accordance with the following:

Location of Premises

(1) In cities of 40,000 population or over $450
(2) In cities of less than 40,000 but more than 20,000 population 300
(3) In all other localities 250

(b) The annual fee for an on-sale general license for trains and sleeping car companies shall be $15, plus $100 for the distilled spirits privileges. The license for trains shall be issued to a railroad company or other person selling distilled spirits on board trains operating in this State, and a duplicate thereof for a fee of $30 shall be obtained for each train unit on which distilled spirits are sold. The license for cars of sleeping car companies shall be issued to a sleeping car company operating sleeping cars in this State, and a duplicate thereof at a fee of $30 each shall be obtained for each train unit in which distilled spirits are sold by such company.

(c) The annual fee for an on-sale general license for boats shall be $50, plus $250 for the distilled spirits privileges, except that on inland river boats the amount of the fee for distilled spirits privileges shall be $100.

(d) The fee, per quarter annum, for an on-sale distilled spirits license for a seasonal business shall be one-fourth of the amount in items 1, 2, or 3 of subdivision (a) of this rule, plus $5.

An on-sale distilled spirits license for a seasonal business shall be issued for quarter-yearly periods consisting of any three consecutive calendar months.

*† For statutory and source citations, see note to §1.

(e) The annual fee for an on-sale general license for a bona fide club, including a nonprofit fraternal organization which has been in active, continuous existence for not less than five years last past, and whose facilities are open only to members and occasional guests, and any unit or chapter of such club, shall be reduced by one-half of the amount of the fee prescribed for the distilled spirits privileges in items 1, 2, or 3 of subdivision (a) of this rule. (Filed 11-20-45; effective 11-20-45)

(f) **Veterans' Clubs.** The annual fee for a veterans' club license shall be $75, plus one-half of the amount of the fee prescribed in items 1, 2, or 3 of subdivision (a) of this rule for the distilled spirits privileges of an on-sale general license. (Filed 4-22-46; effective 4-22-46)

60. Transfer of Licenses. (a) Licenses subject to limitation in number shall be transferable from person to person, and from premises to premises within the same county, upon a single transfer application.

All other licenses shall be transferable from person to person, and premises to premises any place within the State upon a single transfer application.

(b) Application for the transfer shall be made by the transferor to the board in writing in duplicate on forms furnished by the board. The transferee shall also make an original application to the board for a license of the character to be transferred and the board and the applicant shall proceed as upon an original application.

(c) The transfer fee shall be paid by the transferee and shall accompany the application of the transferee. [Amended 7-19-45]

(d) The transferor shall be responsible for the conduct of the licensed business until the license is transferred by the issuance of a license certificate to the transferee. The transfer of title to the licensed business shall coincide with the transfer of the license.

(e) The administrator or executor of the estate of a deceased licensee may execute a transfer application and shall accompany such transfer application with a certified copy of letters testamentary or letters of administration.

*† For statutory and source citations, see note to §1.

(f) The guardian of the estate of a licensee may execute a transfer application and shall accompany such transfer application with a certified copy of the order appointing him guardian.

(g) In case of the death of a partner licensee the surviving partner or partners may execute a transfer application and shall accompany such transfer application with a certified copy of the death certificate of the deceased partner.

(h) A trustee of the bankrupt estate of a licensee may execute a transfer application and shall accompany such transfer application with a certified copy of the order appointing him trustee.

(i) In the event that a deceased licensee leaves no estate to be administered, the surviving spouse may execute a transfer application and shall accompany such transfer application with a certified copy of the death certificate of the deceased licensee.*†

61. License Limitation. (a) No distilled spirits wholesaler's or rectifier's license shall be issued in any county in excess of the number of such licenses issued and outstanding in such county as of December 14, 1945. No distilled spirits wholesaler's license or rectifier's license shall be transferred from premises located in one county to premises located in another county. Nothing in this rule shall be deemed to prevent the renewal or the transfer of any distilled spirits wholesaler's license or rectifier's license from person to person or from premises to premises within the same county.

(b) On-sale distilled spirits licenses for seasonal businesses shall be restricted to premises for which such licenses have heretofore been issued by the board, unless the board shall determine that the issuance of such licenses for other premises is warranted because of the public convenience and necessity. (Amended 12-13-45; effective 12-14-45; filed 12-17-45)*†

63. License Reinstatement After Automatic Revocation. A license may be issued to a person who makes application therefor within a period of three months following automatic revocation of a license of the same type for failure to renew such license, when it shall be determined that such failure was due to circumstances beyond the control of the applicant. (Filed 12-19-45)*†

64. Surrender of License Held by Soldier or Sailor or by Other Person Due to War Conditions. (a) In time of war any licensee who enters the Armed Forces of the United States, or who enlists in the Merchant Marine of the United States, may surrender his license, and such license shall be reissued to such licensee upon his application filed within 90 days after his honorable discharge or his discharge under other honorable conditions from the United States Armed Forces or Merchant Marine.

(b) Any licensee who wishes to cease operation of his licensed business for the duration of the war, because of wartime conditions, may, with the approval of the board, surrender his licenses for the duration of the war. Such licenses shall not be subject to transfer, but shall be reissued to the licensee upon his application filed within 90 days after the conclusion of the war.

*† For statutory and source citations, see note to §1.

(c) Any licensee who has surrendered his license under the provisions of rule 64 (b) because of the use or seizure of his premises by the government or its authorized agencies, and whose premises are returned to his use may apply for reissuance of his license within 90 days after the return of his premises. (Filed 12-19-45)*†

65. Surrender of License on Closing of Business. Every licensee who surrenders, abandons or quits his licensed premises, or who closes his licensed business for a period exceeding two weeks, shall, within 10 days after surrendering, quitting, or abandoning his licensed premises, or closing his business, surrender his license or licenses to the board.

Transfer applications with respect to licenses which have been so surrendered, or which should have been surrendered to the board pursuant to this rule, may be filed within a period of 30 days after the licensee surrenders, abandons, or quits his licensed premises, or closes his licensed business.*†

Article 12. Military and Naval Reservations and Camps

69. Licenses Will Not Be Issued or Transferred to the Vicinity of Military or Naval Reservations. No alcoholic beverage license shall be issued or transferred to any location proximate to a naval or military reservation or camp, or to any location in the vicinity of such reservation or camps where it appears that the license will be used for the purpose of selling alcoholic beverages to soldiers or sailors of the United States.*†

70. Army or Navy Disciplinary Action Cause for Suspension or Revocation of Licenses. (a) Formal accusations for revocation or suspension of licenses shall be immediately filed against any licensee whose premises have been ordered "out of bounds" or "off limits" by the United States Army, Navy or Marines in all cases where such complaining authority so requests, or where such complaining authority advises the State Liquor Administrator that, in the opinion of such authority, the continued operation of said premises is inimical to public welfare during the war emergency, and where such authority indicates its willingness to furnish evidence to support such accusation, as required by the Constitution of the State of California and the laws and rules relating thereto. (Filed 12-19-45)

(b) No licensee, whose premises have been ordered "out of bounds" or "off limits" by the United States Army, Navy, or Marines, shall suffer or permit any member of the force issuing such order, in uniform, to enter or remain in the licensed premises during the time such order is effective.

(c) Every licensee whose premises have been declared "out of bounds" or "off limits" by military or naval authorities shall post two notices of such fact in conspicuous places, one on the exterior and one on the interior of his premises, and shall maintain such signs during the existence of the military or naval order. Such signs shall be in the form prescribed, and shall be furnished, by the board.*†

*† For statutory and source citations, see note to §1.

71. Sales to Persons on Federal Reservations. Beer manufacturers, wine growers, rectifiers or wholesalers of alcoholic beverages who sell alcoholic beverages to nonlicensees having a fixed place of business or residence upon territory within this State which is maintained by the United States Government as a military or naval reservation or a National park, may deliver such alcoholic beverages to such nonlicensees at the vendor's licensed premises only when the purchaser is a ship's service store, officers' club, officers' mess, post exchange or similar organization. Such deliveries may be made only to persons who present at the licensee's premises a written order for the purchase of the alcoholic beverages specified in the order, which shall be issued by the service organization for which the purchase is made. Any licensee making such sales and deliveries shall keep the written order attached to the copy of the invoice on file at the licensee's premises.

Alcoholic beverages sold to individuals by beer manufacturers, wine growers, rectifiers or wholesalers under the provisions of subdivision (r) of Section 6 of the Alcoholic Beverage Control Act may be delivered to such individuals only upon the territory which comprises the military or naval reservation or National park upon which the individuals have their residence. (Filed 12-19-45)*†

Article 13. Private Warehouses

76. Applications and Approval. (a) Whenever a licensee desires to store alcoholic beverages, other than tax-paid beer or wine, in a private warehouse, such licensee shall make application in triplicate for approval of such warehouse to the main office of the board. The application shall specify the location of the warehouse, by whom maintained, the name of the licensee and the types of licenses, together with the numbers thereof, held by him.

(b) Upon receipt by the board of such application, one copy shall be forwarded to the branch office of the board in the district where the premises are located. Upon receipt by the branch office the warehouse shall be inspected to determine if such premises are suitable for storage purposes.

(c) If the investigation discloses that the premises are satisfactory in the respects above provided, a recommendation shall be made by the district office to the main office of the board that the warehouse be approved or disapproved.

(d) Upon receipt by the main office of the board of the recommendation of the district office, such recommendation shall be reviewed and the warehouse approved or disapproved, and one copy of the application shall be returned to the applicant with a statement thereon of approval or disapproval.

(e) If the warehouse is approved, the licensee shall keep posted at all times a true and correct copy of the application and approval at a convenient place inside and near the entrance to the warehouse.*†

*† For statutory and source citations, see note to §1.

Article 14. Sales Without Licenses

79. (a) **Temporary Continuation of Retail Business.** The administrator, executor or guardian of the estate of a retail licensee or receiver for a retail licensee or trustee of the bankrupt estate of a retail licensee, or assignee for the benefit of creditors of a retail licensee may apply to the district liquor control administrator of the board in the district in which the licensed premises are located for permission to operate a licensed business under the provisions of Section 4 of the Alcoholic Beverage Control Act. Permission to operate may be granted by district liquor control administrators orally and shall be immediately confirmed in writing. Suspension or revocation of permission to operate may be made by the board in accordance with the provisions of the Alcoholic Beverage Control Act applicable to licenses. (Filed 12-19-45)

(b) **Temporary Continuation of Licensed Business Other Than Retail.** The administrator, executor or guardian of the estate, or receiver, or assignee for the benefit of creditors, or trustee of the bankrupt estate of a licensee other than a retail licensee, may apply to the State Liquor Administrator for permission to operate under the provisions of Section 4 and shall accompany such application with a surety bond such as is required by the Alcoholic Beverage Control Act. Permission to operate shall be made in writing by the State Liquor Administrator and suspension or revocation of permission to operate may be made by the board in accordance with the provisions of the Alcoholic Beverage Control Act applicable to licenses.

(c) **Sales by Former Licensees.** A former licensee may apply to a district office of the board in writing for permission to sell his stock of alcoholic beverages. The application shall be in triplicate, shall state the date and hour of the proposed sale, which shall be not less than five nor more than 15 days from the date of filing the application.

The applicant, at the date and hour of sale, shall give to the liquor control officer present an inventory of all alcoholic beverages to be sold.

(d) **Sales of Warehouse Receipts.** Application for permission to sell warehouse receipts shall be made in writing to the main office of the board. The application shall be in triplicate and shall state the number of receipts, the date acquired, the quantity and kind of alcoholic beverages covered by the receipts, the location of the warehouses where the beverages are stored, and the name of the licensee to whom the receipts are to be sold.

(e) **Sales to Enforce Warehouseman's Lien.** A warehouseman, making a sale of alcoholic beverages to enforce a lien acquired under the Warehouse Receipts Act, shall sell distilled spirits only to distilled spirits manufacturers, manufacturers' agents, rectifiers and wholesalers, and shall sell beer and wine only to beer manufacturers and importers and to wine growers and importers. Written notice of sale shall be given the board at least one week in advance of sale. (Filed 12-19-45)

(f) **Insurance Companies.** Any insurance company which has insured a licensee against loss or damage to alcoholic beverages of the licensee may apply to the Sacramento office of the board for permission to sell alcoholic beverages of such licensee which have been damaged by

*† For statutory and source citations, see note to §1.

fire or otherwise. The application shall be in writing in triplicate and shall state the name of the licensee whose alcoholic beverages have been damaged, the quantity of the alcoholic beverages damaged and which is to be sold, the location of the alcoholic beverages, and the name of the licensee to whom the sale is to be made. (Filed 11-6-45)

Article 15. Prices

99. Fair Trade Contracts Required for Distilled Spirits. No manufacturer, manufacturer's agent, wholesaler or rectifier shall sell distilled spirits, the containers of which bear labels stating the brand or name of the owner or producer, in this State, except pursuant to a fair trade contract, as provided for by Section 55.5 of the Alcoholic Beverage Control Act.

Every manufacturer, manufacturer's agent, wholesaler and rectifier shall file with the board a copy of the fair trade contracts under which such licensee shall offer for sale, and sell, distilled spirits prior to making any offer or sale of distilled spirits in this State. Amendments to such contracts, affecting wholesale resale prices shall be filed with the board five days before such amendments shall become effective, and amendments to such contracts affecting retail resale prices shall be filed with the board 30 days before such amendments shall become effective.

Fair trade contracts filed shall include:

(a) The stipulated minimum resale prices to retail licensees and to consumers;

(b) The stipulated minimum price at which it is required that any purchaser from the vendee shall, in turn, resell the distilled spirits to retail licensees and at retail to consumers;

(c) Any discounts offered. For the purpose of establishing fair trade prices and discounts, the State may be divided, by the licensee filing the fair trade contracts, into two trading areas;

(1) Northern California to consist of all counties lying north of the southern boundaries of San Luis Obispo, Kern, and Inyo counties, and

(2) Southern California to consist of the counties lying south of said boundaries.

Where the licensee has filed different prices or discounts or both for each trading area, sales or deliveries shall be made to licensees in accordance with the schedule of prices and discounts filed for the area in which the purchaser's licensed premises are located.

In addition to filing such contracts with the board, every manufacturer, manufacturer's agent, wholesaler and rectifier shall either mail the minimum resale price and discount schedule, and any amendments thereto, to all licensees affected, or shall publish the minimum resale price and discount schedule contained in his fair trade contracts, and any amendments thereto, in a trade journal printed and published in this State and of general circulation among alcoholic beverage licensees in this State.

*† For statutory and source citations, see note to §1.

The filing and publishing of a fair trade contract for a particular brand of distilled spirits by any licensee producing or importing into this State such brand of distilled spirits, shall excuse all other licensees from filing fair trade contracts as to such particular brand.

No licensee shall advertise or offer to make, or make any "closeout" sale under the implied condition provided for by Section 55.5 (b) (1), or any sale under the implied condition provided for by Section 55.5 (b) (2), of the Alcoholic Beverage Control Act except after receiving permission from the board, which shall determine whether the proposed sale is bona fide.

Permission to sell under Section 55.5 (b) (1), shall be granted only if it appears that the stock of goods sought to be closed out has been in this State for a period of not less than six months, and was not brought into this State for the purpose of offering it, or any part of it, at a closeout sale.

Permission to sell under the provisions of Section 55.5 (b) (2), shall be granted only if it shall appear that the facts of the case warrant the sale of the distilled spirits affected as damaged or deteriorated.

No licensee shall advertise or offer for sale, or sell, distilled spirits at a price less than the stipulated minimum resale price provided for by a fair trade contract.*†

(This rule is suspended until further notice. Effective Jan. 5, 1945.)

100. Fair Trade Contracts for Private Brands. As used herein the term "private label" means a trade-mark, brand or name owned or controlled by the distilled spirits manufacturer, wholesaler or rectifier who sells to retail licensees the distilled spirits bearing such trade-mark, brand or name, and also means a trade-mark, brand or name owned or controlled by a retail licensee.

Each distilled spirits manufacturer, wholesaler or rectifier who sells to retail licensees distilled spirits bearing a private label shall include within the price schedules filed by him under Section 99 the minimum prices at which he sells such distilled spirits to retail licensees and any discounts offered in connection therewith.

Amendments to prices scheduled under this rule shall be filed with the board five days before such amendments become effective.

For the purposes of this rule the State is divided into the two trading areas as prescribed in Section 99.

All instructions and rulings issued by the board in connection with Section 99 shall apply in the administration of this rule whenever they are compatible or consistent with this rule.

No distilled spirits manufacturer, wholesaler or rectifier shall advertise or offer for sale, or sell distilled spirits bearing a private label at a price less than the price scheduled for such distilled spirits under this rule.*†

This rule shall become effective on April 15, 1942.

(This rule is suspended until further notice. Effective Jan. 5, 1945.)

*† For statutory and source citations, see note to §1.

101. Retail Price Advertising of Distilled Spirits. An off-sale general licensee, in quoting or advertising prices for distilled spirits, shall include the distilled spirits tax.

Beer Price Posting

NOTE.—Beer price posting regulations are printed on the back of the beer price posting form furnished by the board. (Filed 1-14-46)

Article 16. Signs and Notices

106. Obnoxious Signs Prohibited. (a) Banners advertising alcoholic beverages which are suspended over sidewalks are prohibited.

(b) No advertising matter of any kind which advertises alcoholic beverages shall be affixed to display or show windows of licensees.

(c) Signs shall not impair the interior view.

(d) No barrels, kegs, cases, bottles or other containers for alcoholic beverages shall be displayed on any sidewalk adjacent to the licensed premises.

(e) In the case of off-sale premises, the area for exterior signs shall be limited to 10 per cent of the total area of the building visable from any one point.*†

107. Retailers Required to Post Warning Notice. Each retail licensee shall post in a conspicuous place on his licensed premises a printed sign of type not less than one-half inch in height to be furnished by the board, in form as follows:

PATRONS ATTENTION

Any person under 21 years of age who consumes alcoholic beverages in any on-sale premises or who purchases alcoholic beverages is guilty of a misdemeanor.

Selling, furnishing or giving away alcoholic beverages to persons under 21 years of age or to obviously intoxicated persons is a misdemeanor.

(BOARD MEMBER'S NAME)

Member_____District
State Board of Equalization

(Filed 12-19-45)

108. Notice of Suspension. Every licensee whose licenses have been suspended by order of the board shall post two notices in conspicuous places, one on the exterior and one on the interior of his premises, for the duration of the suspension.

The notices shall be three feet in length and one and one-half feet in width, and shall be in the following form:

*† For statutory and source citations, see note to §1.

NOTICE OF SUSPENSION

ALCOHOLIC BEVERAGE LICENSES ISSUED
For These Premises Have Been
Suspended by Order of the
STATE BOARD OF EQUALIZATION
For Violation of the
Alcoholic Beverage Control Act

Advertising or posting signs to the effect that the premises have been closed or business suspended for any reason other than by order of the board suspending alcoholic beverage licenses, shall be deemed a violation of this rule.*†

Article 18. Standard Cases for Distilled Spirits

123. Number of Packages Required. No licensee shall sell or deliver in this State any distilled spirits in any original case except standard cases containing the following number of packages or multiples thereof:

One as to full gallon or as to half-gallon packages; six as to fifths of a gallon or fourths of a gallon packages; and 12 as to packages containing less than one-fifth of a gallon.

For the duration of the war, or until such other time as the board shall determine, this rule shall not be deemed to restrict the use of cases of sizes or types which are permitted by the regulations of the United States Treasury Department.†*

Article 19. Certificate of Compliance

128. No beer importer shall purchase any beer not manufactured within the State of California by a person licensed as a beer manufacturer under the act, or transport or cause the same to be transported into the State of California for resale therein, unless the out-of-state vendor making shipment of such beer into California holds a certificate of compliance. A certificate of compliance shall be granted when such out-of-state vendor shall have made a written agreement with the board to furnish to the board, on or before the twenty-fifth day of each month, a report under oath, on a form prescribed by the board, showing the quantity of beer sold and shipped by such out-of-state vendor to each licensed beer importer in this State during the preceding month, and shall have further agreed with the board that such out-of-state vendor and all general sales corporations or agencies owned and maintained by such out-of-state vendor shall and will faithfully comply with all laws of the State of California pertaining to the sale of alcoholic beverages and all rules and regulations of the board.

If any such out-of-state vendor shall, after obtaining such certificate, fail to submit such report, or if such out-of-state vendor or general sales corporation or agency owned and maintained by such out-of-state

*† For statutory and source citations, see note to §1.

vendor shall violate the terms of such agreement, the board may suspend or revoke the certificate of compliance in the manner provided by the act for the suspension or revocation of licenses, and after a hearing which shall be held in the City of Sacramento or in such other county seat in this State as the board determines to be convenient to the holder of the certificate. No fee shall be charged for such certificate of compliance but same must be renewed annually on or before July 1st of each year hereafter.*†

This rule as amended shall be effective on February 1, 1944.

130. Beer Labeling Requirements. Draught beer sold in California, except for export, shall not exceed an alcoholic content of 3.2 per cent by weight and each container thereof must have firmly affixed thereto a legible notice that the alcoholic content of the draught beer therein is not in excess thereof, and the absence of any such label shall be considered as evidence that the alcoholic content of the contents is in excess of 3.2 per cent by weight.

Packaged beer, other than draught, sold in California except for export, shall not exceed an alcoholic content of 4 per cent of alcohol by weight, provided, however, that bottled or canned ale, porter, brown, or stout may exceed such alcoholic content if it bears a label which correctly designates the contents as such ale, porter, brown, or stout, which label shall not state the alcoholic content.

All bottles or cans containing ale, porter, brown, or stout of an alcoholic content of 4 per cent or less by weight must have firmly affixed thereto in 12-point pica type a notice specifically certifying that the alcoholic content of the beverages in the package is not greater than 4 per cent by weight. Only ale, porter, brown, and stout in packages bearing such labels may be sold by on-sale beer licensees.

The name and address of any manufacturer or bottler or person appearing upon any label of beer must be the true name and address of such person at the time of the packaging of such product, and no false or fictitious name or address shall be placed thereon.

Any labels or notices affixed to beer must, if such beer is produced in this State, be affixed prior to the first sale, and in the case of beer produced outside the State and imported into this State, must be affixed prior to delivery in this State.*†

134. Delivery to Temporary Licensee. A delivery of beer or wine to a holder of a temporary beer or wine license may be made on any day for which such license or either of them have been issued between the hours of 6 o'clock a.m. and 8 o'clock p.m.*†

135. Bock Beer. Bock beer shall not be delivered or furnished at retail prior to March 17th in any year, except that in any year in which March 17th falls on a Sunday, bock beer shall not be delivered or furnished at retail prior to March 16th in such year.

Bock beer shall not be distributed at wholesale to retailers except at the latest practicable date prior to March 17th, or March 16th if March 17th falls on Sunday, and in no event prior to March 12th, in any year.*†

*† For statutory and source citations, see note to §1.

Article 20. Measurement of Time

137. Pacific War Time. (Rescinded 9-20-45; Filed 10-15-45)

Article 21. Interior Illumination of Licensed Premises

139. At all times while any licensed retail premises are open for business the interior lighting maintained therein shall be sufficient to make easily discernible the appearance and conduct of all persons and patrons in that portion of the premises where alcoholic beverages are sold, served, delivered, or consumed.*†

Article 22. Suspension or Revocation of Licenses

142. Receiving Stolen Alcoholic Beverages; Ceiling Price Violations. After proceedings are duly had, pursuant to the provisions of Sections 11500 to 11528 of the Government Code, upon an accusation alleging, and a finding by the board, that a licensee has been convicted of the offense of buying or receiving stolen alcoholic beverages or of a violation of the Federal laws or regulations relating to ceiling prices for alcoholic beverages, the license or licenses of such licensee shall be suspended or revoked. (Filed 1-28-46)*†

Article 23. Administrative Procedure

145. Service of Notices. For the purpose of subdivision (c) of Section 11505 of the Government Code, notices which are served by registered mail shall be mailed to the licensee at the premises for which his license is issued. Any licensee who desires to have such notices mailed to him at an address other than his licensed premises shall file with the board a specific request for that purpose, and in such case notices shall be sent to the licensee at such address. Such licensee shall notify the board of a change in address, and specifically request the board to mail notices to the changed address. (Filed 11-6-45)

*† For statutory and source citations, see note to §1.

(e) **Supporting Records.** All records used in preparing inventories for certification to the board shall be kept at the licensee's premises for verification by employees of the board. [Filed 11-15-45; Effective 11-15-45]*†

Article 6. Reports

30. (a) **Distilled Spirits.** Every distilled spirits taxpayer shall, on or before the fifteenth day of each and every month, file a tax return on SBE Form 265 with the board at Sacramento, of all sales of distilled spirits for the preceding month, together with such other information as is required on said form.

Every distilled spirits taxpayer shall immediately following the close of business on the seventh, fifteenth, twenty-second, and last day of each month forward the original page, or pages, of SBE Forms 241A, 243B, and 244B to the Alcoholic Beverage Control Division of the board at Sacramento, provided that additional entries in these forms as required by rule 7 have been made since the last reporting date.

Commencing with the year 1946, every distilled spirits and brandy importer, immediately following the close of business on the last day of each month, shall forward the original page, or pages, of SBE Form 242A to the Alcoholic Beverage Control Division of the board at Sacramento, provided that additional entries in this form as required by rule 7 have been made since the last reporting date.

(b) **Off-sale General License Fee.** Each off-sale general licensee shall report his gross receipts from sales of distilled spirits on or before the fifteenth day following each quarterly period on SBE Form 216. Quarterly periods shall end on the thirtieth of September, the thirty-first of December, the thirty-first of March, and the thirtieth of June.

(c) **Beer Manufacturers.** Every licensed beer manufacturer shall, on or before the fifteenth day of each and every month, file with the board at Sacramento, a tax return on SBE Form 239 of all sales of beer for the preceding calendar month, together with such other information as is required on said form.

Reports of inventories required to be made on SBE Form 239 may be book inventories for all months except for June and December of each year, which must be physical inventories.

(d) **Wine Growers.** Every licensed wine grower shall, on or before the fifteenth day of each and every month, file with the board at Sacramento, a tax return on SBE Form 201 of all sales of wine for the preceding calendar month, together with such other information as is required on said form.

Reports of inventories required to be made on SBE Forms 201 and 201A may be book inventories for all months except June and December of each year, which must be physical inventories and must be in agreement with federal report Form 702C filed with the Bureau of Internal Revenue.

Wine growers shall, or or before the fifteenth day of July of each year, file a report covering all wine produced during the fiscal year ending June 30.

*† For statutory and source citations, see note to §1.

(e) **Beer and Wine Importers.** Every licensed beer and wine importer shall, on or before the fifteenth day of each and every month, file with the board at Sacramento, a tax return on SBE Form 255 of all sales of beer or wine for the preceding calendar month, together with such other information as is required on such form. A wine grower holding a beer and wine importer's license shall include his monthly report of imports of wine on SBE Form 201 and not on SBE Form 255.

Every licensed beer and wine importer shall, immediately following the close of business each month, forward the original page, or pages, of SBE Form 269A to the Alcoholic Beverage Control Division of the Board at Sacramento, provided that additional entries on these forms, as required by rule 12 (b) have been made since the last reporting date. [Filed 6-25-46; Effective 6-25-46]

(f) **Tax Remittances.** The returns referred to in subdivisions (a), (c), (d), and (e) of this rule shall be accompanied with a remittance for the amount of tax due. The tender of a payment in the form of a check which is not honored by the bank on which drawn, will not stay the application of the penalty and interest imposed by sections 27b and 34g of the act.

(g) **Common Carrier Receipts and Delivery Reports.** Common carriers and holders of interstate alcoholic beverage transporters' permits, transporting alcoholic beverages into this State from without this State for delivery or use within this State, shall obtain from the licensed importer or customs broker, a receipt for the alcoholic beverages so transported and delivered. This receipt must show the following information:

> Name of shipper, point of origin, name of importer or customs broker to whom delivery made, place of delivery, a complete description of the shipment, and the number of the waybill covering the shipment.

A copy of the freight bill or other shipping document containing all of this information shall be deemed to be compliance with this requirement. A copy of such receipt must be delivered to the importer or customs broker to whom delivery is made.

All deliveries of alcoholic beverages, shipment of which originated outside California, made to California importers or customs brokers, shall be reported to the board at Sacramento by common carriers and holders of interstate alcoholic beverage transporters' permits. Such report shall be filed with the board on SBE Form 217 not later than the fifteenth day of each month covering such deliveries made in the previous calendar month.

(h) **Common Carrier Tax Reports.** Common carriers engaged in interstate or foreign passenger service shall report sales of distilled spirits made in California on SBE Form 268.

(i) **Public Warehouses.** Licensed public warehouses shall report on or before January 15 and July 15 of each year, all distilled spirits held in storage by them, in bottled form, at the close of business on December 31 and June 30. Such reports shall be filed with the board at Sacramento, on forms prescribed by the board, and shall show the name of each person for whom distilled spirits are stored, the size of containers, number of cases, and the units per case stored for each such person. [Filed 11-15-45; effective 11-15-45.]*†

*† For statutory and source citations, see note to §1.

Also a portion of the East half of Section 7 Township 2 North, Range 9 East M.D.M. & B., more particularly described as follows, to wit:

Commencing at a point in the South line of property of E. Campadonico, bearing South 70° 34′ East 1073.4 feet from the southwest corner of San Joaquin County survey No. 2707, thence continuing along the South line of said E. Campadonico property as follows: South 75° 34′ East 380.6 feet, South 71° 40′ East 274.0 feet, thence leaving the South line of E. Campadonico property, North 0° 03′ West 3295.6 feet, to the point in the North line of said Section 7 bearing Westerly 980 feet from the northeast corner of said Section 7, thence along the North line of said Section 7, North 89° 51′ West 156 feet, to a point in the northerly bank of Mormon Slough, thence along the northerly bank of Mormon Slough as follows: South 57° 52′ West 395 feet, South 45° 46′ West 167 feet, South 33° 55′ West 32 feet, thence leaving Mormon Slough, South 0° 03′ East 2761.6 feet to the point of beginning and containing 44.48 acres and being lot marked "B2" in San Joaquin County survey No. 2707.

A portion of Section 76 of C. M. Weber Grant described as follows: Beginning at a point on the South line of the Copperopolis Road, North 73° 08′ East 3405 feet from the West line of said Section 76, running thence South 17° 12′ East 1331.6 feet to the point of beginning of herein described parcel of land; said point also being the southeasterly corner of the land of L. Lagomarsino; thence South 17° 12′ East 385 feet; thence South 73° 05′ West 380 feet; thence North 17° 12′ West 236.2 feet; thence South 75° 48′ West 130.1 feet; thence North 17° 12′ West 108.4 feet; thence South 71° 27′ West 159.5 feet; thence North 17° 12′ West 20 feet to South line of lands of L. Lagomarsino; thence along said South line, North 71° 27′ East 669.5 feet to point of beginning and containing 3.781 acres.

The north 25A of the following tract of land being all that part of the East half of the southeast quarter of Section 76 of C. M. Weber Grant El Rancho del Compo de los Franceses, south of Mormon Slough. (Amendment filed 1-9-46)

(c) **Commodities Covered.** Any and all trees, plants, grafts, cuttings, or scions of any species or variety of chestnut or chinquapin (*Castanea* sp. and *Castanopsis* sp.)

(d) **Restrictions. Commodities Prohibited Movement From Quarantined Area.** No trees, or plants or parts thereof, including grafts, cuttings, or scions of any species or variety of chestnut or chinquapin shall be transported or moved from the infected area to any other portion of the State of California. (See also Sections 3152 and 3154 to 3156, inclusive)*† (Filed 1-8-46; effective 1-8-46)

*† For statutory and source citations, see note to §3150.

3410. Grape Leaf Skeletonizer Interior Quarantine.
(Quarantine Regulation 13)

A quarantine is established effective August 27, 1946, against the following pest, its hosts and possible carriers:

(a) **Pest.** Grape leaf skeletonizer (*Harrisina brillians*).

(b) **Area Under Quarantine.** All that portion of San Diego County lying within an area bounded by a line beginning at the point where the north line of Township 15 South meets the Pacific Ocean, thence east along said north line of Township 15 South to the east line of Range 1 West, thence north along the east line of Range 1 West to the North Line of Township 11 South, thence east along said north line of Township 11 South to the east line of Range 3 East, thence south along the east line of Range 3 East to the north line of Township 12 South, thence east along the north line of Township 12 South to the east line of Range 5 East, thence south along the east line of Range 5 East to the north line of Township 13 South, thence east along the north line of Township 13 South to the east line of Range 6 East, thence south along the east line of Range 6 East to the north line of Township 14 South, thence east along the north line of Township 14 South to the east line of Range 7 East, thence south along the east line of Range 7 East to the north line of Township 16 South, thence west along the north line of Township 16 South to the east line of Range 6 East thence south along the east line of Range 6 East to the north line of Township 17 South, thence west along said north line of Township 17 South, to the east line of Range 5 East, thence south along the east line of Range 5 East to the Mexican Border line.

(c) **Commodities Covered** (Restricted Products). All plants of grape and Virginia creeper and all parts thereof (including entire plants, cuttings, stumps, and foliage); fresh fruits of grape; and empty field grape picking boxes, which have been so used during the last preceding harvest season prior to movement, are hereby declared to be hosts or possible carriers of the pest herein quarantined against.

(d) **Restrictions.** (1) **Movement Prohibited from Area Under Quarantine Unless Certified Treated.** Restricted products may be moved from the area under quarantine to points outside thereof only provided each such shipment or lot is accompanied by a shipping permit or certificate issued by the County Agricultural Commissioner, his deputy or inspector at point of origin affirming that all such products in said shipment or lot have been treated by a method and in a manner set forth in this regulation.

(A) **Approved Treatments for Fresh Fruits of Grape.**

Fumigation at atmospheric pressure using a dosage schedule of one and one-half pounds of methyl bromide for each 1,000 cubic feet of chamber space for a period of two hours at a temperature of not less than 70° F.

Crushing by normal process to the satisfaction of the certifying officer and transported in tanks, barrels, or trucks equipped with metal gondola bodies or other similar equipment.

*† For statutory and source citations, see note to §3150.

restricted articles or commodities enumerated in paragraph (3) hereof have been grown, placed, or stored and found free from any of the snails herein quarantined against; such field inspection to be made not more than seven days prior to the date of movement.

Certificates may be issued to cover balled plants only providing, all top soil about such plants, to a depth of not less than one and one-half inches is completely removed immediately prior to movement from the infested area and under the supervision of the Agricultural Commissioner, his deputy or inspector.

(5) **No Certificate Required on Citrus Fruits.** No certificate shall be required to accompany citrus fruits or their containers moved from the infested area direct to a packing house in the same county as the infested area, provided, written approval for such movement is first secured by the owner of the premises or his agent or by the individual or firm packing the fruit, from the Agricultural Commissioner of the county in which the property is located. (See also Sections 3152 and 3154 to 3156, inclusive.) (Filed 5-2-46; effective 5-2-46)*†

3405. Pierce's Disease of Grape Interior Quarantine.

(Quarantine Regulation 6)

A quarantine is established effective November 15, 1944, against the following pest, its hosts and possible carriers:

(a) **Pest.** Pierce's disease of the grape.

(b) **Area Under Quarantine:**

(1) *Heavily Infected Area:* Entire Counties of Los Angeles, Orange, Santa Barbara, and Ventura, and all that portion of Riverside County lying West of the Summits of the San Gorgonio pass of the San Jacinto Mountains and of the Santa Rosa Mountains.

(2) *Infected Area:* Entire Counties of Fresno, Kern, Kings, Madera, Napa, San Bernardino, San Diego, Santa Cruz, Sonoma, Tulare, and those portions of Merced and San Luis Obispo Counties described as follows:

Merced County: Township 9 South, Range 14 East; the East one-third of Township 9 South, Range 13 East; and all that portion of Township 9 South, Range 15 East, situated West of the Southern Pacific RR right of way.

San Luis Obispo County: All that portion of the County lying South of the North boundary of Township 30 South.

(b-1) **Protected Area.** All counties and portions thereof in the State of California not herein described as infected area or heavily infected area.

(c) **Commodities Covered (Restricted Products).** Entire plants and propagative parts of all species and varieties of grape (*Vitis* spp.).

(d) **Restrictions.** (1) **Commodities Prohibited Movement From Heavily Infected Area.** Restricted products prohibited

*† For statutory and source citations, see note to §3150.

movement from *heavily infected area* or from premises under hold order to any point within the protected area for any purpose whatsoever, except as provided in paragraph (5) hereof, or rooted vines which have been propagated prior to the effective date of this revision under the conditions set forth in paragraph (2) hereof, provided, each such lot or shipment is officially certified from origin as set forth in paragraph (2) (A) hereof.

(2) **Commodities Prohibited Movement From Infected Area to Any Point Within Protected Area.** Restricted products prohibited movement from *infected area* to any point within the protected area, except as provided in paragraph (5) hereof, or *rooted vines* only, propagated in accordance with the following procedure:

(A) **Certified Rooted Vines Permitted Movement.** Rooted vines which are propagated in the infected area will be permitted movement to points in the protected area provided, each lot or shipment is accompanied by a certificate signed by the County Agricultural Commissioner of the county where such vines were grown affirming that:

1. All vines comprising said lot or shipment were grown on a premise on which all propagative parts of grape (*Vitis* spp.) thereon were obtained from sources outside the infected areas, and

2. Said premise is situated at least one-half mile from the nearest planting of grape and planting of alfalfa.

(B) **Commissioner must be notified of intention to produce vines eligible for certification under subparagraph (A) above.** Persons contemplating the production of grapevines for movement under certificate to points outside the infected areas as provided in subparagraph (A) above shall, prior to obtaining the propagative parts of such vines, file with the County Agricultural Commissioner of the county wherein such vines will be grown, a notice in writing of their intention to produce vines eligible for such certification and movement, setting forth in such notice the location of the premises whereon such vines will be grown and the names and locations of all sources of propagative parts of such vines to be used. All propagative parts of such vines secured from points outside the infected areas must be accompanied by a shipping permit from the Agricultural Commissioner of the county where such propagative parts were grown specifying the amount and kind of such propagative parts covered by said shipping permit. Immediately upon arrival at destination, each shipment or lot of such material, together with said shipping permit, must be submitted to the Agricultural Commissioner of the county in which the vines will be propagated, and the commissioner will cause a record to be kept of all such propaga-

*† For statutory and source citations, see note to §3150.

tive parts of grapevines being grown on such premises. County Agricultural Commissioners may withhold the issuance of certificates herein provided for upon failure of persons to notify the Commissioner of intention to propagate vines eligible for movement under this provision or for failure to report the arrival of propagative parts to be used.

(C) All grapevines so moved must be in sealed bundles of 50 or more with an approved type seal except that such sealing will not be required of shipments or lots comprised of less than 50 vines each.

(3) **Rooted Vines May Be Reshipped From Infected Area.** Rooted vines which are eligible for movement between points within the protected area may be reshipped from any point within the infected area or heavily infected area to points inside the protected area provided, the identity of such vines while within the infected area or heavily infected area, is maintained to the satisfaction of the County Agricultural Commissioner of the county of reshipment and further provided, each lot or shipment is accompanied by a certificate signed by such commissioner attesting to such fact.

(4) **No Restrictions on Following Movement of Restricted Articles:**

(A) Within the protected area except from premises under hold order.

(B) From points in the *protected* area to points in the *infected* or *heavily infected* areas.

(C) From points in the *infected* area to points in the *heavily infected* area.

(D) From points in the *heavily infected* area to points in the *infected* area.

(5) **Director May Issue Special Permits.** Movement may be permitted of regulated products which are not otherwise eligible for intrastate movement under the provisions of this Regulation only under special permit from the Director subject to such provisions and conditions as the Director may prescribe therein. (See also Sections 3152 and 3154 to 3156, inclusive.)*†

3406. Revocation of Oriental Fruit Moth Interior Quarantine (Regulation 7). (Effective July 17, 1945).

The statement governing the revocation follows:

It has been determined by recent intensive survey and by surveys conducted during the past three years that Oriental fruit moth *(Grapholitha molesta)* is now that widely spread within the State of California as to subject the major part of the deciduous-fruit acreage to infestation through natural spread and spread through the normal and uncontrollable movement, by persons and vehicles, of host fruits, nursery stock, used containers, appliances, and other possible carriers;

The continuation of reasonable quarantine measures within the large area now involved would result in enforcement and treatment inadequacies;

*† For statutory and source citations, see note to §3150.

It would therefore appear that the pest preventive benefits to be expected from the continuation of such measures would be outweighed by the interference with normal marketing of host fruits within this State and into other States;

This revocation in no way affects the provisions of the Agricultural Code with regard to the inspection and disposition of plants and plant products.*†

3407. Quick Decline of Citrus Interior Quarantine.

(Quarantine Regulation 8)

A quarantine is established effective against the following pest, its hosts, and possible carriers:

(a) **Pest.** "Quick Decline" of orange trees.

(b) **Area Under Quarantine.** The following described portions of Los Angeles, Orange, Riverside, and San Bernardino Counties:

Los Angeles County: All that portion of Los Angeles County bounded on the north by the north boundary of Township 2 North, S.B.B. & M., and on the west by a line beginning at the point where the north boundary of Township 2, North intersects the Big Tujunga Wash; thence southwesterly along the Big Tujunga Wash across Hanson Dam, continuing along said Wash to San Fernando Road; thence southeasterly along San Fernando Road to Vineland Avenue; thence southerly along Vineland Avenue to Ventura Boulevard; thence southeasterly along Ventura Boulevard and along Cahuenga Boulevard to Mulholland Drive; thence westerly along Mulholland Drive to Topanga Canyon; thence southerly along Topanga Canyon to the Pacific Ocean.

Orange County: All that portion of Orange County west and north of a line drawn as follows: Beginning at the intersection of the Santa Ana River with the Orange County boundary line; thence southerly along a line drawn as a northerly continuation of the west boundary of the Cleveland National Forest; thence southerly along said line and along the west boundary of the Cleveland National Forest to its intersection with the 1st Standard Parallel South; thence west along the 1st Standard Parallel South to its intersection with the northeasterly extension of Newport Boulevard; thence southwesterly along Newport Boulevard to 17th Street; thence west along 17th Street and continuing along Westminister Avenue to its intersection with the Southern Pacific Railroad right of way, paralleling and approximately ½ mile west of Huntington Beach Boulevard; thence southerly along said Southern Pacific Railroad right of way to the north city limits of the town of Huntington Beach; thence west along said north city limits of the town of Huntington Beach and along a line drawn as a continuation of said city limits to the Pacific Ocean.

Riverside County: All that portion of Riverside County lying west and north of a line beginning at the intersection of the north county boundary line of said county, with the west

*† For statutory and source citations, see note to §3150.

(c) **Commodities Covered** (Restricted Articles). All soil, nursery stock, or plants with roots except as provided in subsection (d) (3) are hereby declared to be hosts or possible carriers of the pest herein quarantined against.

(d) **Restrictions.** (1) **Definition of the Word "Premises."** The word "premises" as hereinafter used in these provisions shall be construed to mean all the land included under one legal description or any parcel of land farmed or handled as one unit of ground, provided, that such "premises" shall include an additional area of at least 100 feet completely circumscribing the actual parcel of ground on which the nursery stock, trees, plants, shrubs, or vines to be shipped or moved have been growing.

(2) **Certification Requirements.** Except as provided in paragraph (3) hereof, no restricted articles herein quarantined against will be permitted entry into the State of California from the said infected areas unless each shipment or lot is accompanied by a certificate signed by the duly authorized inspection official of the State in which same originates, establishing the fact that all the material contained in the lot or shipment was grown on premises free from said Ozonium or cotton root rot. In addition, each such certificate shall state the number and kinds of trees and plants contained in the shipment or lot, where grown, name and address of consignee and consignor, point of shipment and terminal point of delivery.

(3) **Exceptions—Exemptions of Certain Articles.** No restrictions are placed by this Proclamation upon the entry of the following:

(A) **If free from roots and soil,** nursery stock or plants, including trees, shrubs, vines, stolons, corms, dormant bulbs (including onions and onion sets), pips, cuttings, scions, buds, grafts, fruits, leafy vegetables, fruit pits, seeds and plant products.

(B) **If intended for edible purposes and washed free from soil,** smooth root vegetables such as potatoes, sweet potatoes, carrots, turnips, and beets except that this exemption does not apply to mangels and sugar beets. (See also Sections 3152 to 3156, inclusive.)*†

3262. Peach Mosaic Disease Exterior Quarantine.

(Quarantine Proclamation 14)

A quarantine is established effective January 29, 1945, against the following pests, their hosts and possible carriers:

(a) **Pest.** Peach mosaic disease and virus capable of causing symptoms identical with those of peach mosaic.

(b) **Area Under Quarantine:**

Arizona: Counties of Apache, Cochise, Coconino, Graham, Maricopa, Pima, Santa Cruz, and Yavapai.

Colorado: Counties of Mesa and Montezuma.

*† For statutory and source citations, see note to §3150.

New Mexico: Counties of Bernalillo, Dona Ana, Lincoln, Otero, Rio Arriba, Sandoval, San Juan, Santa Fe, Sierra, Socorro, Taos, and Valencia.

Oklahoma: Counties of Alfalfa, Bryan, Johnston, and Woods.

Texas: Counties of Brown, Callahan, Cherokee, Comanche, Dallas, Eastland, El Paso, Fannin, Fisher, Floyd, Gregg, Hale, Hudspeth, Johnson, Jones, Mills, Palo Pinto, Parker, Runnels, Rusk, San Saba, Smith, Tarrant, Taylor, Upshur, Wilbarger, Wood, and Young.

Utah: Counties of Grand and Washington.

(c) **Commodities Covered (Products).** All peach, nectarine, apricot, almond, plum, and prune trees or parts of these trees for or capable of propagation except fruit pits, are hereby declared to be hosts or possible carriers of the pest herein quarantined against.

(d) **Restrictions.** (1) **Commodities Prohibited.** All peach, nectarine, apricot, almond, plum, and prune trees or parts of these trees for or capable of propagation except fruit pits.

(See also Sections 3152 to 3156, inclusive.)*†

3263. European Corn Borer Exterior Quarantine.
(Quarantine Proclamation 15)

A quarantine is established effective January 29, 1945, against the following pest, its hosts and possible carriers:

(a) **Pest.** European corn borer (*Pyrausta nubilalis*).

(b) **Area Under Quarantine** (Infested Areas). Entire States of Connecticut, Delaware, Illinois, Iowa, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

Kansas: County of Wyandotte.

Minnesota: Counties of Fillmore and Houston.

Tennessee: Counties of Sumner, Robertson, and Montgomery.

(c) **Commodities Covered** (Restricted Products). Stalks, ears, cobs, or other parts or debris of corn, broom corn, sorghums, and Sudan grass (*except* seed and shelled grain free from fragments of cob and other plant debris); lima beans in the pod; green shell beans in the pod (of the variety known as cranberry or horticultural); beets with tops; and rhubarb (cut or plants with roots); are hereby declared to be hosts or possible carriers of the pest herein quarantined against.

(d) **Restrictions.** (1) **Stalks, Ears, Cobs, or Other Parts or Debris of Corn, Broom Corn, Sorghums, and Sudan Grass Admitted Under Disinfection or Treatment Certificate.** Stalks, ears, cobs, or other parts or debris of corn, broom corn, sorghums, and Sudan grass grown in or shipped from the said infested areas imported as such or as packing or as contamination in seed or shelled grain, or otherwise, will be admitted into the State of California only provided, each shipment or lot is accompanied by a certificate either:

*† For statutory and source citations, see note to §3150.

CHAPTER 4. PLANT INDUSTRY

SUBCHAPTER 1. CHEMISTRY
SUBCHAPTER 2. FIELD CROPS
SUBCHAPTER 3. ENTOMOLOGY AND PLANT QUARANTINE
SUBCHAPTER 4. PLANT PATHOLOGY
SUBCHAPTER 5. RODENT AND WEED CONTROL AND SEED INSPECTION

Printed July 25, 1945

SUBCHAPTER 1. CHEMISTRY

Group 1. Fertilizing Materials
Group 2. Economic Poisons
Group 3. Spray Residue (No rules filed)

GROUP 1. FERTILIZING MATERIALS

Article 1. Use of Numerals to Describe the Formula

2300. Rise of Number Source to Describe the Formula. When any series of numerals are used on a fertilizing materials tag or in advertising matter to describe the formula or analysis of fertilizer being offered for sale or in connection with the name, brand, or trade-mark, under which any commercial fertilizer is sold, such numerals must be so arranged that the first will be the minimum guaranteed percentage of nitrogen; the second, the minimum guaranteed percentage of *available* phosphoric acid; and the third, the minimum guaranteed percentage of potash soluble in distilled water. This does not in any way affect the statement of the "guaranteed analysis."

(Sections 16 and 1024, Agricultural Code)
[Fertilizing Materials Regulation No. 1 issued by the Director of Agriculture]

2301. If the presence of phosphorus pentoxide is claimed in an agricultural mineral, the tag must state the percentage of "Available phosphoric acid." If, in addition, a percentage of "Total phosphoric acid" is stated, the percentage of "Insoluble phosphoric acid" must also be stated. The term and the percentage of available phosphoric acid must be given as prominently as any of the other terms and percentages on the tag.

2302. When any series of numerals are used on an agricultural minerals tag or in advertising matter to describe the formula or analysis of an agricultural mineral being offered for sale or in connection with a name, brand, or trade-mark, under which any agricultural mineral is sold, such numerals must be so arranged that the first will be the minimum guaranteed percentage of nitrogen; the second, the minimum guaranteed percentage of *available* phosphoric acid; and the third, the minimum guaranteed percentage of potash soluble in distilled water. This does not in any way affect the statement of the "guaranteed analysis."

(Sections 16 and 1024, Agricultural Code)
[Fertilizing Materials Regulation No. 2 issued by the Director of Agriculture]

Printed July 25, 1945

SUBCHAPTER 2. MARKETING

Article 1. Marketing Orders and Marketing Agreements
Article 2. Marketing Programs (Proration)

Article 1. Marketing Orders and Marketing Agreements

1800. Marketing Orders and Marketing Agreements. There have been issued under the California Agricultural Products Marketing Act of 1937 and under the California Agricultural Products Marketing Act of 1943 and under Chapter 10, Division 6 of the Agricultural Code certain Marketing Orders listed below:

(a) **Dates.** Marketing Order for Dates, as amended, effective November 4, 1943. (Non-operative)

(b) **Figs, Dried, and Dried Fig Products.** Marketing Order for Dried Figs and Dried Fig Products, effective July 2, 1946.

(c) **Grapefruit.** Marketing Order regulating the handling in intrastate commerce of grapefruit grown in Imperial County and that part of Riverside County south and east of San Gorgonio Pass in the State of California, as amended. Effective January 2, 1944.

(d) **Grapefruit, Desert.** Marketing Order for Advertising and Trade Promotion for California Desert Grapefruit and Grapefruit Products. Effective November 17, 1944.

(e) **Lettuce, Dry-Pack.** Marketing Order for Dry-Pack Lettuce. Effective June 11, 1942.

(f) **Pears, Fresh Bartlett.** Marketing Order for Fresh Bartlett Pears. Effective August 9, 1939. (Non-operative)

(g) **Pears, Canning, Fall and Winter.** Marketing Order for Canning Fall and Winter Pears. Effective August 3, 1946, and terminating automatically July 14, 1951.

(h) **Pears, Fresh, Fall and Winter.** Marketing Order for Fresh Fall and Winter Pears grown in the State of California. Effective August 26, 1941.

(i) **Peaches, Cling.** Marketing Order for Canning and Freezing Cling Peaches (1945-1950).

(j) **Walnuts.** Marketing Order regulating the handling in intrastate commerce of Walnuts grown in the State of California. Effective September 30, 1937. (Suspended to March 31, 1947)

(k) **Wine.** Marketing Order for Wine, as amended. Effective September 1, 1944, and terminating automatically August 31, 1947.

(*l*) **Poultry.** Marketing Agreement for Poultry Improvement in California. Effective June 5, 1945.

(California Agricultural Products Marketing Act of 1937. Stats. 1937, Chapter 910; Deering's General Laws, Act 146. California Agricultural Products Marketing Act of 1943. Statutes 1943, Chapter 516; Deering's General Laws, Act 146.1. Sections 1300.10 to 1300.29, inclusive, Agricultural Code). [Marketing Orders and Marketing Agreements issued by the Director of Agriculture]

Article 2. Marketing Programs. (Proration)

1850. Marketing Programs (Proration). There have been issued under the Agricultural Producers Marketing Act (Statutes 1945, Chapter 990) certain Marketing Programs listed below:

(a) **Asparagus.** Proration Program Asparagus Proration Zone No. 1 as amended. Effective June 20, 1940. (Non-operative)

(b) **Figs, Dried.** Marketing Program for Figs, as modified. Effective July 16, 1946.

(c) **Grapes.** Marketing Program for Grapes. Effective August 8, 1938. (In liquidation)

(d) **Olives.** Marketing Program for Olives as amended. Effective June 30, 1938. (Suspended)

(e) **Pears, Canning Bartlett.** Marketing Program for canning Bartlett Pears as amended. Effective June 28, 1943.

(f) **Potatoes, Sweet.** Marketing Program for Sweet Potatoes as amended May 13, 1943. (Suspended in Sweet Potato Proration Zone 2 for the 1946-1947 marketing season.)

(g) **Prunes.** Marketing Program for Prunes as amended. Issued August 2, 1940. (Amended July 8, 1942.) (Suspended to September 1, 1947.)

(h) **Raisins.** Marketing Program for Raisins as amended. Issued July 23, 1940. (Suspended)

(Agricultural Producers Marketing Act. Statutes 1945, Chapter 990.)

[Marketing Programs issued by the Director of Agriculture]

NOTE.—The marketing orders, agreements and programs listed above are not set forth in full in this publication; the text of same, however, together with the text of supplemental Rules and Regulations and Administrative Orders issued by the Director of Agriculture pursuant to each Marketing Order or Program, may be obtained from the Bureau of Markets, Room 116, State Office Building No. 1, Sacramento, California.

Printed July 25, 1945

Group 7. Seed Potatoes

Article
1. Standards, Rules and Regulations for California Certified Seed Potatoes
2. Basic Requirements
3. General Requirements
4. Inspections
5. Containers
6. Certification Tags

Article 1. Standards, Rules and Regulations for California Certified Seed Potatoes

1500. Standards, Rules and Regulations for California Certified Seed Potatoes. The California Certified Seed Potato service provides for the certification of:

(a) Foundation stock seed potatoes; and

(b) Certified seed potatoes.

These Standards, Rules and Regulations apply to the above grades, and whenever the term "Certified Seed Potatoes" is used, it shall apply to both grades. (Filed 5-11-46)*†

NOTE.—§§1500 to 1559, inclusive, issued under the authority contained in Section 961, Agricultural Code. Source of §§1500 to 1559, inclusive, is the Standards, Rules and Regulations issued by the Director of Agriculture.

1501. California certified seed potatoes must comply with the following requirements before the official certified seed potato tag may be attached to the bags. These facts are to be determined by the origin and history of the seed, two or more field inspections of the growing plants, the maintenance of test plats, and the inspection of the tubers when being graded. Use of the tag when not complying with these Regulations constitutes misbranding and misrepresentation which is a misdemeanor.*† (Added 7-20-45.)

Article 2. Basic Requirements

1506. Basic Requirements. Any California grower who has had a sufficient number of years of experience in the growing and production of potatoes to be thoroughly familiar with seed potato problems and potato diseases, who demonstrates to the satisfaction of the Department that he has the ability to properly grow and rogue certified seed potatoes, pays the fees, agrees to abide by all the Rules and Regulations and proposes to grow the potatoes in an area suitable for such production, is eligible to enter potatoes for certification. Applicants who are minors will not be accepted unless the project is carried on under the direct control and supervision of an adult, either as an individual or in charge of an organization; such person to have the experience and qualifications herein listed.*†

*† For statutory and source citations, see note to §1500.

1507. The Department reserves the right to refuse entry, reject the fields or refuse to permit the use of official certification tags under any conditions which are or may be detrimental to the seed potato certification program in the State.*†

1508. The Department will, when deemed necessary for the proper administration of the seed potato certification Regulations, grow test plats of seed planted and offered for certification by growers and reject the field on the basis of the showing in the test plat. Such plats will be grown in areas where mosaic diseases normally are not masked and, when necessary, in a greenhouse under controlled conditions. A reasonable amount of seed from the source entered for certification shall be furnished by the grower and selected by a representative of the Department.*†

1509. Only standard Commercial varieties which have proven satisfactory for certification and are grown from stock that has been previously certified or have equivalent known history as determined by the Department will be considered for certification. Non-certified stock and new strains may be certified later if approved as a result of observation or testing for one or more seasons prior to application for certification, in comparison with known certified stock. (Filed 5-11-46)*†

1510. Mixed varieties and off-type strains shall not be certified or planted with the expectation of producing potatoes for certification. (Filed 5-11-46.)*†

1511. Potatoes will not be certified for seed unless they are grown in districts which have proven capable of producing high quality seed and in which the masking of the mosaic diseases is not likely to occur. In certain districts and in seasons when necessary in order to avoid current season spread, the Department may establish a range of dates in which plantings may be made. Conditions under which potatoes intended for certification are grown shall include good culture, good tilth, freedom from weeds and the satisfactory control of objectionable diseases and insects. In certain districts when deemed necessary to eliminate or control insects responsible for the spread of virus diseases in potatoes, the Department may require complete eradication of weeds in or adjacent to a field entered for certification.*†

1512. All diseased plants in fields entered for certification must be removed as soon as detected and the field must also be rogued immediately after each field inspection, if diseased plants are present.*†

Article 3. General Requirements

1517. Applications. Applications must be sent to the Cashier, Accounting Office, State Department of Agriculture, State Office Building, Sacramento, two weeks or more before planting time in order that the history of the seed and all details may be determined before the seed is placed in the ground.

*† For statutory and source citations, see note to §1500.

Individual applications shall be submitted for each:

(a) Variety,

(b) Seed source of a variety, and

(c) Field entered.*†

1518. Cost. Charges sufficient to cover the cost of the inspection service shall be made. The minimum charge to cover the cost of the two or more field inspections shall be three dollars per acre or fraction thereof. In addition, a minimum inspection charge of two and one-half dollars per acre or fraction thereof shall be made to cover the cost of supervising and checking the grading operations and the tag and seal which is attached to each sack. Such fees are to cover the cost of these and other required certification services and shall be paid as follows:

(a) One and one-half dollars per acre or fraction thereof to accompany the application. This to cover the cost of the first field inspection.

(b) One and one-half dollars per acre or fraction thereof due and payable *before* a second field inspection is made. This to cover the cost of the second field and other inspections.

(c) Two and one-half dollars per acre or fraction thereof payable before the grading inspection is made at time of sacking.

The Department reserves the right to demand a larger fee on any or all acreages entered, when because of conditions and total acreages entered the charges listed above will not cover the cost of the service. This may apply to districts or to the entire state. When necessary a fee may be required to cover the cost of greenhouse and test plot plantings of samples from seed sources not entered for certification.

The Department may charge a smaller fee under conditions resulting in less cost for the service, such as on the number of acres over one hundred consisting of one variety, one seed source, and in one district in one or adjacent fields.

Checks and money orders should be made payable to the State Department of Agriculture, identified "Seed Potato Certification Fee" and mailed to: Cashier, State Department of Agriculture, Accounting Office, Sacramento, California.

No inspections will be made unless fees are paid prior to the time the service is rendered. (Filed 5-11-46.)*†

1519. Isolation of Potato Fields. (a) All fields entered for certification will be required to be at least three hundred feet from any other growing potato plants except when in the judgment of the Department of Agriculture there is sufficient natural barrier or other protective measure to prevent the spread of diseases. This is necessary as it is a known fact that the virus diseases can easily be spread a considerable distance.

(b) Two seed sources or varieties in one field entered for certification should be separated by one or more blank rows as a permanent marker. Stakes sufficiently high to be clearly visible at both ends of the

*† For statutory and source citations, see note to §1500.

field may be substituted in place of blank rows. In the event one of such lots is rejected the entire field may be rejected unless the adjacent three hundred feet of the questionable lot is thoroughly rogued, and in order to avoid this sufficient separation of the sources or varieties should be arranged. (Filed 5-11-46.)*†

1520. History of Seed. All seed purchased for entry for certification must be properly tagged with the official certification tag on each sack or must be properly identified with some equivalent history as determined and accepted by the Department. No entry will be accepted unless this is adhered to and authentic evidence as to these facts is submitted to the Department.

The tagging of each sack is not necessary when a grower enters his own properly certified stock of the previous season. However, he must furnish proper identity of such stock.*†

1521. Volunteer Plants. No field of potatoes will be certified that contains volunteer plants from a variety other than the one for which certification is requested or if the plants are from a crop which was not certified the previous season.

Fields that show volunteer potato plants will be accepted for certification provided, these plants came from a crop that was certified and of the same variety and providing, such plants are removed from the field.*†

1522. Notification for Field Inspections. Growers shall notify the Bureau of Fruit and Vegetable Standardization of the Department of Agriculture, Sacramento, at least ten days in advance of the time that the fields entered will be ready for the various field inspections as defined in these regulations. (Filed 5-11-46.)*†

1523. Pests and Diseases that Disqualify. No potatoes shall be certified that show by inspection on vine or tuber the presence of diseases known as black wart, violet rhizoctonia, bacterial ring rot (Phytomonas sepedonicum) and nematode. (Filed 5-11-46.)*†

Article 4. Inspections

1528. Inspection of the potato plants at least two times during the growing season is necessary to determine trueness to type and variety, and freedom from disease. This shall be accomplished by an inspection of the potato plants in the field whenever it is considered advisable. In addition, the resultant crop must be graded to meet certain requirements.*†

1529. Field Inspections. A field inspection shall consist of the examination of plants in representative portions of the entire field, the results of which shall establish the status of such field.

The first field inspection should be made as soon as the plants are large enough to clearly show virus disease symptoms (usually six to

*† For statutory and source citations, see note to §1500.

twelve inches high), and before the diseases have had too great an opportunity to spread to healthy plants.

At least one later field inspection shall be made. Such inspections shall be made after the plants have almost reached their maximum size and before showing signs of maturing.

In order to qualify for certification in the various grades, fields of potatoes shall not contain more diseased plants than the percentage indicated for each field inspection in the Field Inspection Requirement Table following:

FIELD INSPECTION REQUIREMENTS

Plant diseases or conditions	*Foundation stock*[1]		*Certified seed*	
	Maximum percentage allowed		*Maximum percentage allowed*	
	First field inspection	*Second field inspection*	*First field inspection*	*Second field inspection*
Total all virus diseases permitted	1%	½%	4%	3%
Total all other diseases permitted	2%	2%	5%	5%
Except following limited to				
Blackleg	¼%	¼%	2%	1%
Bacterial ring rot	0	0	0	0
Nematode	0	0	0	0
Wilt diseases	2%	2%	5%	5%
Late blight	See note	See note	See note	See note
Variety mixtures	¼%	0	½%	¼%

NOTE.—Late blight shall be cause for rejection only if present to extent satisfactory inspection can not be made for other diseases.

[1] For other Foundation Stock requirements see "Foundation Stock Seed Potatoes" following. (Filed 5-11-46.)*†

1530. Definitions. Foundation Stock Seed Potatoes. (a) Foundation seed potato stock is defined as a segregated lot of potato tubers of one variety, which in the aggregate is known with certainty to be free from infectious diseases and other defects to an extent which will lead with a reasonable degree of certainty to the production of an immediately succeeding progeny with similar condition of freedom from disease.

(b) By segregated lot is meant definite quantity of tubers held separate from all other tubers and of which the identity is maintained.

(c) That all tubers should be of one variety is essential on account of variability of susceptibility to certain diseases among varieties of potatoes.

(d) "Is known with certainty" means acceptable proof of the condition of disease. Proof consists of a record of tuber unit selection within a period of no longer than two years prior to designation of the lot as foundation stock.

(e) "Infectious diseases" refers to virus diseases principally.*†

*† For statutory and source citations, see note to §1500.

1531. Potatoes for certification as foundation seed must be grown in areas where and during periods when masking of virus diseases is not likely to occur. Such districts and periods must be approved by the Department. (Filed 5-11-46.)*†

1532. Foundation stock seed potatoes planted by the tuber unit method shall not be considered as meeting the tuber unit planting requirements when single drop or one drop seed potatoes are exclusively planted. (Filed 5-11-46.)*†

1533. Foundation stock seed potatoes shall be planted by:

(a) The tuber unit method, or

(b) Any method if the seed stock used is a "segregated lot" and it "is known with certainty" that the record for one or more years previous to the planting of the entry shows that the seed being used contains less than a total of 1 per cent of virus diseases. (Filed 5-11-46.)*†

1534. Fields entered for foundation seed certification must be planted from seed containing less than $2\frac{1}{2}$ per cent virus diseases and $2\frac{1}{2}$ per cent of other diseases as certified to by the certification agency in the State of origin, proof of which must be filed with the entry.*†

1535. Potatoes produced for certification as foundation seed must be subjected to a greenhouse or seed plot test or both and will not be eligible for certification if the percentage of virus diseases shown in such tests is more than 2 per cent. (Filed 5-11-46.)*†

1536. All fields entered for certification as Foundation Stock shall be rogued by the grower as soon as virus or other diseases can be detected and shall be continued throughout the season as necessary. Roguing shall be permitted prior to the time of official inspection.*†

1537. Roguing shall consist of the removal of the complete plant together with all tubers which have been formed and the seed piece, if still capable of propagation. The plant shall be carefully destroyed or removed from the field, in a manner which will prevent the spread of the disease to the healthy plants. (Filed 5-11-46.)*†

1538. Fields should be rogued as often as necessary, and if any diseased, defective or offtype plants as defined by these regulations are present at the time of any one of the field inspections, the field must be rogued under the supervision of the inspector, immediately after such inspection. Failure to rogue as defined shall disqualify for certification regardless of the percentage of diseased plants present. (Filed 5-11-46.)*†

1539. The Department reserves the right to:

(a) Reduce tolerances permitted in the field inspection requirements, as to the entire State or districts within the State, and

(b) Reject lots on the basis of greenhouse tests showing unreasonably high percentages of diseases, when due to current season infection

*† For statutory and source citations, see note to §1500.

or other causes the welfare of the potato industry as a whole will be benefited by such action.*†

1540. Grade Inspection. A grade inspection shall consist of the examination of a representative sample of the entire lot, the results of which shall establish the status of such lot.

In addition to all other requirements, all potatoes to be officially certified as seed must be inspected by a duly qualified representative of the California Department of Agriculture at time of grading or after such grading process has been completed, and must meet the following requirements before the official tags are placed upon the container. If any potatoes in containers bearing the official tags fail to meet the grade requirements defined herein, at time of grading, the tags shall be removed from the containers unless the potatoes are reconditioned to comply and again submitted for inspection. (Filed 5-11-46.)*†

1541. Identity of Seed. The Department must be notified at least 10 days before harvesting, as to when digging operations will commence and where the potatoes will be stored so that their identity can be maintained. If necessary to move the potatoes again the Department must also be notified several days in advance of such move.*†

1541.1. Disinfection of Grading Equipment. Because of the ease with which bacterial ring rot contaminations can occur, all grading equipment used in the grading of certified seed potatoes must be thoroughly disinfected under the supervision of a member of the Department prior to such grading operation. (Filed 5-11-46.)*†

1542. Grade Requirements. All potatoes produced from fields meeting the field inspection requirements as to freedom from diseases and pests are eligible for certification.*†

1543. Foundation stock seed potatoes may be graded to meet either the Blue Tag Grade or the Blue Tag Single Drop Grade or the Red Tag Grade and each such tag shall bear the words "Foundation Stock". Certified seed potatoes may be graded to meet either the Blue Tag Grade or the Blue Tag Single Drop Grade or the Red Tag Grade. (Filed 5-11-46.)*†

1544. Evidence of compliance with these grades and the other provisions of these Regulations shall consist of a tag securely attached to each container of potatoes, each such tag to show in a clear and conspicuous manner:

(a) Bureau of Fruit and Vegetable Standardization, State Department of Agriculture, Sacramento;

(b) The designation of the grade as defined herein;

(c) A serial number identified in the records of the Bureau as to the crop year and each grower's lot; and,

(d) The name of the variety.*†

*† For statutory and source citations, see note to §1500.

1545. In order to meet the requirements of all of the grades excepting Blue Tag Single Drop, potatoes shall weigh from one to fourteen ounces each for all varieties, with a tolerance of 1 per cent by weight of potatoes in any one container below the minimum size and 5 per cent above the maximum size with no potatoes over eighteen ounces permitted. However, when the certification tag for any of the grades except the Blue Tag Single Drop, bears the term "Over Size" or "Under Size" in a clear and conspicuous manner there shall be no restriction as to size above the maximum or below the minimum weight limits, as the case may be. (Filed 5-11-46.)*†

1546. Potatoes of all grades defined herein, in addition to other grade requirements, based on the examination of a representative sample shall be free from any amount of black wart, violet rhizoctonia, nematode and bacterial ring rot. Grade tolerances shall be determined by weight, and on the basis of each container as a unit.

If in the process of inspection during grading operations, bacterial ring rot is found, the stock previously inspected and tagged as complying, shall be considered as certified.

(a) **Blue Tag Grade.** In order to meet the requirements of the Blue Tag Grade the potatoes in each container shall conform to variety type and shall at least comply with all of the provisions of the U. S. No. 1 Grade for potatoes except as to size and except as to damage due to greening or green ends if the flesh of the potato is still firm.

In addition, potatoes of this grade shall be free from defects and conditions with specific tolerances for each as follows:

(1) Be free from scab spots totaling an aggregate area of more than one-half inch in diameter on each individual potato with no deep scab pustules permitted. Not more than 5 per cent by weight of the potatoes in any one container may have damage in excess of this amount.

(2) Be free from Rhizoctonia:

(A) Which seriously affects the general appearance of the individual potato; or

(B) Consisting of flattened sclerotia covering an aggregate area of 25 per cent or more of the surface area of each individual potato; or

(C) Consisting of more than 10 clearly raised, bead-like formed Rhizoctonia bodies on each individual potato.

Not more than 12 per cent by weight of the potatoes in any one container may have damage in excess of this amount.

(3) Be free from any damage due to late blight. Not more than 2 per cent by weight of the potatoes in any one container may have damage due to this cause.

(b) **Blue Tag Single Drop Grade.** In order to meet the requirements of the Blue Tag Single Drop Grade the potatoes in each container

*† For statutory and source citations, see note to §1500.

CHAPTER 3. ECONOMICS

SUBCHAPTER 1. FRUIT AND VEGETABLE STANDARDIZATION
SUBCHAPTER 2. MARKETING
SUBCHAPTER 3. MARKET ENFORCEMENT
SUBCHAPTER 4. SHIPPING POINT INSPECTION (NO RULES FILED)

Printed July 25, 1945

SUBCHAPTER 1. FRUIT AND VEGETABLE STANDARDIZATION

Group 1. Canning Tomatoes
Group 2. Dried Fruits and Nuts
Group 3. Eggs (No rules filed)
Group 4. Fresh Fruits and Vegetables
Group 5. Grapes for By-Products (No rules filed)
Group 6. Honey (No rules filed)
Group 7. Seed Potatoes
Group 8. Emergency Standards

Group 1. Canning Tomatoes

Article
1. Canners
2. Color Chart
3. Delivery and Acceptance

Article 1. Canners

1330. Schedule of Fees. The fee to be collected by the Department from each canner receiving deliveries of tomatoes for canning purposes to cover the cost of inspection and certification of such tomatoes is hereby established at twenty-four cents ($0.24) per ton (2000 pounds) for the 1945 season and until rescinded.

NOTE.—Section 1330, issued under the authority contained in Sections 16, 762.8 and 762.9, Agricultural Code. Source of 1330 is the Regulation issued by the Director of Agriculture.

1331. Canner to Furnish Information. Each canner receiving tomatoes for canning purposes being designated by law as the agent of the Director of Agriculture for the purpose of the collection of fees chargeable to him and chargeable to each producer or person from whom one-half of the fee is collected, delivering such tomatoes, shall furnish to the Department of Agriculture the correct name and address of each such person delivering to him tomatoes for canning purposes. Such name and address must be made available to the representative of the Department making the inspection so that it can be placed by him upon the certificate issued for each load or lot delivered.*†

Article 2. Color Chart

1334. Color Chart. The color of canning tomatoes as required by Section 762 of the Code, and as defined in Section 761 of said Code shall be that color depicted in a California Standard Color Chart for canning tomatoes issued by the Bureau of Fruit and Vegetable Standardization.*†

*† For statutory and source citations, see note to §1330.

Article 3. Delivery and Acceptance

1337. Delivery and Acceptance of Tomatoes. Section 762.5 of the Agricultural Code provides that the Director shall inspect all deliveries of canning tomatoes and issue a certificate of inspection if the tomatoes conform with the standards established in Chapter 1a of Division 5 of the Agricultural Code or issue a rejection order if the tomatoes fail to conform with such standards including the tolerances provided in Section 763. Section 763.1 provides that it is unlawful for any person to make delivery or accept delivery of tomatoes for canning purposes which have not first been so inspected and certified, or which have been rejected. No load of canning tomatoes shall be unloaded until a regularly authorized canning tomato inspector has inspected and has issued an official certificate for each load.*†

1338. Official Sample. Canning tomatoes in any delivery shall be determined to be suitable or unsuitable for canning purposes as defined in Section 762 of the Agricultural Code by the examination of all of the tomatoes in a representative sample taken as follows:

Loads from	1	to 50	boxes, 2 box sample
	51	to 100	boxes, 3 box sample
	101	to 300	boxes, 4 box sample
	301	to 400	boxes, 5 box sample
	401	to 600	boxes, 6 box sample
	601	to 800	boxes, 7 box sample
	801	and up	boxes, 8 box sample

When determining the percentage of "well colored" tomatoes as required by Chapter 1a, Division V of the Agricultural Code, a representative sample shall consist of only the first two boxes in the sample selected as defined herein in the case of the round type tomatoes, and the first box in the case of pear type tomatoes.

The status of any load of canning tomatoes shall be determined by the inspection of the tomatoes in the representative sample defined herein except that when the resulting percentage of defects is only slightly more than that permitted by law and doubt exists as to the quality of the load, then an additional official sample consisting of the same number of boxes selected from different parts of the load may be selected. The weight of the defective tomatoes resulting from the inspection of the two representative samples taken shall be averaged to obtain the final percentage of defects for the load.*†

1339. Percentage Chart. When tomatoes are in cannery delivery boxes designed to hold 50 pounds of tomatoes (1) the official "Percentage Chart" issued by the Bureau of Fruit and Vegetable Standardization shall be used to determine the percentage of defects; and (2) the boxes of tomatoes selected as the sample for the purpose of inspection and determining the percentage of defects shall be normally filled and shall be considered as holding 50 pounds of tomatoes. (Sections 1330 to 1339, inclusive, filed 4-26-46)*†

*† For statutory and source citations, see note to §1330.

(25) No rendered edible animal fat or mixture of fats containing rendered edible animal fat other than oleomargarine and puff-pastry shortening, shall contain added water. Puff-pastry shortening shall not contain more than 10% water.

(26) Containers of edible rendered animal fats and mixtures of edible fats containing animal fats shall, before or immediately after filling, be legibly marked with the true name of the product.

(27) Product labeled "chili con carne" shall contain not less than 40% of meat, computed on the weight of the fresh meat. Hearts, cheek meat, head meat, or gullet meat may be used to the extent of 25% of the meat ingredient under specific declaration on the label. The mixture may contain not more than 8% of cereal.

(28) Product labeled "chili con carne with beans" shall contain not less than 25% of meat, computed on the weight of the fresh meat. Hearts, cheek meat, head meat, or gullet meat may be used to the extent of 25% of the meat ingredient under specific declaration on the label.

(29) Product labeled "hash" shall contain not less than 35% of meat and/or meat byproduct as the case may be. The basis of computation shall be the weight of the cooked and trimmed meat and/or meat byproduct.

(30) Products labeled as meat stews, for example, "beef stew," "lamb stew," and the like, shall contain not less than 25% of meat computed on the weight of the fresh meat.

(31) Tamales shall contain not less than 25% of meat computed on the weight of the fresh meat in relation to the ingredients of the tamales to the exclusion of the ingredients of the gravy or sauce in which the tamales are packed. When tamales are packed in gravy or sauce, that constituent shall be declared prominently as part of the name of the product.

(32) Spaghetti with meat balls and sauce, spaghetti with meat and sauce, and similar product, shall contain not less than 12% of meat computed on the weight of the fresh meat. The presence of the sauce or gravy constituent shall be declared prominently on the label as part of the name of the product. Meat balls may be prepared with not more than 12%, singly or collectively, of farinaceous material, soya flour, dried skim milk and the like.

(33) Spaghetti sauce with meat shall contain not less than 6% of meat computed on the weight of the fresh meat.

(34) Scrapple shall contain not less than 40% of meat and/or meat byproducts computed on the basis of the fresh weight, exclusive of bone. The meal or flour used may be derived from grain and/or soybeans.

(35) Hamburger shall consist of chopped fresh beef, with or without the addition of beef fat as such and/or of seasoning, and shall not contain more than 30% of fat.

*† For statutory and source citations, see note to §900.

(36) Liver sausage, liver loaf, liver paste, liver cheese, liver pudding, and the like, shall contain not less than 30% of liver computed on the weight of the fresh liver.

1097. Labeling Product Prepared With Artificial Flavoring. (a) Product which bears or contains any artificial flavoring, shall bear labeling stating that fact.

(b) When any artificial flavoring is added to meat or product, there shall appear on the label in prominent letters and contiguous to the name of the meat or product the words "artificially flavored."*†

1098. Reuse of Inspection Marks; Reuse of Containers Bearing Marks of Inspection, Labels, etc.; Requirements Regarding. (a) No inspection legend which has been previously used shall be used again for the identification of any product, except as provided in subsection (b) of this Section.

(b) All stencils, marks, labels, or other devices on previously used containers, whether relating to any product or otherwise, shall be removed or obliterated before such containers are used for any product, unless such stencils, marks, labels, or devices correctly indicate the article to be packed therein and such containers are refilled under the supervision of a Bureau Employee.*†

1099. Labeling, Filling of Containers, Handling of Labeled Products to Be Only In Compliance With Regulations. (a) All labeling of products required to be inspected by Bureau Employees shall be in compliance with these Regulations.

(b) No person shall apply or affix, or cause to be applied or affixed, any label to any product prepared or received in an official establishment, or to any container thereof, except in compliance with these Regulations.

(c) No person shall, in an official establishment, fill or cause to be filled, in whole or in part, any container with any product required by these Regulations to bear a label, except in compliance therewith.

(d) No person shall remove or cause to be removed from an official establishment any product bearing a label unless such label be in compliance with these Regulations.*†

1100. Relabeling Product, Requirements Regarding. When it is claimed by an official establishment that some of its labeled product which has been transported to a location other than an official establishment is in need of relabeling on account of the labels having become mutilated or otherwise damaged, the requests for relabeling the product shall be sent to the Bureau and accompanied by a statement of the reasons therefor. Labeling material intended for relabeling inspected and passed product shall not be transported from an official establishment until permission has been received from the Bureau. The relabeling of inspected and passed product with official labels shall be done under the supervision of an Inspector of the Bureau.

*† For statutory and source citations, see note to §900.

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CHAPTER 2. ANIMAL INDUSTRY

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Subchapter 2. Livestock Disease Control (Animal Quarantine).
Subchapter 3. Livestock Identification
Subchapter 4. Meat Inspection.

Subchapter 1. Dairies

Article
1. Wholesome Feeds
2. Cream Requirements
3. Neutralization of Cream for Butter
4. Special Varieties of Cheese
5. Frozen Dairy Products
6. Neutralization of Ice Cream Mix.
7. Milk Drinks
8. Imitation Ice Cream
9. Oleomargarine Records
10. Sterilization, Cooling and Handling Practices
11. Milk Plant Score Cards
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14. Babcock, Gerber, and Mojonnier Tests
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21. Milk Inspection Services
22. Permanent Market Milk Dairy Buildings
23. Evaporated and Dried Milk
24. Pasteurization of By-Products
25. Butter Grades
26. Factory Floor Drains

Article 1. Wholesome Feeds

400. Wholesome Feeds. The phrase "**properly fed and kept,**" as used in Section 466 of the Agricultural Code, is construed to mean that milk must be produced from animals fed only such feeds as will not impart strong disagreeable flavors or odors to the milk or the products thereof. (The intentional or wilful feeding of mustard, purple-top turnips, rape, onions, etc., is specifically prohibited and the use of pastures where such feeds as mustard, turnips, rape, onions, etc., are growing to such an extent that the quality of milk from cows grazing on such pastures is injured thereby (tainted) does not constitute proper feeding, whereas most natural grasses, alfalfa, clover, vetch, peas, ensilage, beets, carrots, cocoanut meal, grains, etc., which are not moldy or decayed are entirely suitable for feeding animals producing milk.) All feeds must be wholesome and fed in such quantities as will nourish and not impair the health of the animals. Milk producing animals must be kept reasonably clean and must not be subjected to undue exposure so that their health is injured thereby.

NOTE.—§§400 to 691, inclusive, issued under the authority contained in Section 16, and Chapters 1 to 6, inclusive, of Division IV, Agricultural Code. Source of §§400 to 691, inclusive, is the Dairy Regulations issued by the Director of Agriculture.

Article 2. Cream Requirements

405. Cream Requirements. Cream being defined as a portion of milk (Section 471 of the Agricultural Code) infers, and is construed to mean that the milk from which it is separated must conform to the established requirements for the production of milk.*†

Article 3. Neutralization of Cream for Butter

410. Neutralization of Cream for Butter. In accordance with the requirements of Section 656 of the Agricultural Code, the following

*† For statutory and source citations, see note to §400.

alkaline materials are approved for use in neutralization of acidity in cream for making butter:

(a) Calcium Hydroxide (lime water, milk of lime).
(b) Calcium Oxide (quick lime).
(c) Calcium Carbonate (chalk).
(d) Magnesium Oxide (magnesia lime).
(e) Sodium Bicarbonate (baking soda).
(f) Sodium Carbonate (soda ash).

Other compounds or proprietary preparations may be used on special written permit from the State Department of Agriculture.*†

Article 4. Special Varieties of Cheese

415. Special Varieties of Cheese. In accordance with the requirements of Section 546 of the Agricultural Code, standards of composition have been promulgated for special varieties of cheese as follows:

(a) After dinner, breakfast, brie, camembert, hand, limburger, neufchatel, petaluma, schlosskase, sierra and teleme, shall contain not less than 50 per cent pure milk fat in the water-free substance in the case of whole milk cheese, and not less than 30 per cent pure milk fat in the water-free substance, in the case of part skim cheese.

(b) Cacio-cavallo and casseri types shall contain not less than 40 per cent pure milk fat in the water-free substance in the case of whole milk cheese and not less than 30 per cent pure milk fat in the water-free substance in the case of part skim cheese.

(c) Canestratto, romano and romanello types shall contain not less than 42 per cent pure milk fat in the water-free substance in the case of whole milk cheese and not less than 30 per cent pure milk fat in the water-free substance in the case of part skim cheese.

(d) Feta type shall contain not less than 48 per cent pure milk fat in the water-free substance in the case of whole milk cheese and not less than 30 per cent pure milk fat in the water-free substance in the case of part skim cheese.

(e) Brick cheese shall contain not more than 42 per cent of moisture; not less than 50 per cent pure milk fat in the water-free substance in the case of whole milk cheese and not less than 30 per cent pure milk fat in the water-free substance in the case of part skim cheese.

(f) Queso blanco mexicano (white Mexican cheese) shall contain not more than 48 per cent of moisture; not less than 50 per cent pure milk fat in the water-free substance in the case of whole milk cheese and not less than 30 per cent pure milk fat in the water-free substance in the case of part skim cheese.

(g) Queso duro mexicano (hard Mexican cheese) shall contain not more than 46 per cent moisture; not less than 50 per cent pure milk fat in the water-free substance in the case of whole milk cheese and not less than 30 per cent pure milk fat in the water-free substance in the case of part skim cheese.

(h) Cheese of the Swiss type shall contain not less than 45 per cent milk fat in its water-free substance.*†

*† For statutory and source citations, see note to §400.

416. All special varieties of cheese containing less than 30 per cent pure milk fat in the water-free substance must be labeled skim cheese.*†

417. All special varieties of cheese shall be labeled at the factory where manufactured to indicate the variety, grade and factory number. The name and address of the manufacturer may be used in lieu of the factory number.*†

418. Special varities of cheese shall be sold only under labels approved in writing by the Department of Agriculture of the State of California.*†

419. Permits for the manufacture and sale of special varieties of cheese do not expire unless revoked for cause after a hearing before the Director of Agriculture, or some officer designated by said Director.*†

420. The term "red bandage" as applied to granular cheese in Section 545 of the Agricultural Code is construed to mean cheese bandage which has been colored to a shade of deep orange.*†

421. Factory numbers required by the law to be assigned annually will be reassigned each year to each cheese factory upon application for renewal of factory license.*†

422. All labeling of cheese required by the Agricultural Code and this Regulation, except as otherwise provided or authorized by special permit, shall be in plain block letters or numerals at least one-half inch ($\frac{1}{2}''$) in height, with stencils, stamps or labels approved by the Department of Agriculture.*†

423. All part skim and skim cheddar or granular cheese must be labeled on its entire outer edge by stamping or stenciling thereon the words "**Part Skim Cheese**" or "**Skim Cheese,**" as the case may be, in plain block letters of one-fourth inch ($\frac{1}{4}''$) in height in such a manner that the space between each statement does not exceed one-fourth of an inch ($\frac{1}{4}''$) and placed in such manner that in reading the labels while the cheese is on its edge, the letters in each word shall appear perpendicular. (For example "**Part Skim Cheese.**")*†

424. Other part skim or skim varieties of cheese shall be labeled in accordance with instructions from the Director of Agriculture and each manufacturer must submit such labels for approval. (Section 547, Agricultural Code.)*†

Article 5. Frozen Dairy Products

Cross Reference. For Additional Regulations, see Market Enforcement Subchapter 3, Group 3.

429. Frozen Dairy Products. The determination of the weight of total food solids per gallon of ice cream or ice milk shall be based upon the weights of at least 12 separate containers, and a representative sample from one of the containers weighed, except in those plants where a less number of filled containers is available, in which case the determination shall be based upon the weights of all filled containers which are present. Net weights may be determined by deducting from the gross weight of all filled containers examined, the weight of an equal number of representative empty containers of exactly the same style and pattern,

*† For statutory and source citations, see note to §400.

except that manufacturers who object to this procedure may designate on each container its tare weight for the accuracy of which designation he shall be responsible, as provided in the Net Containers Act.*†

430. If fresh egg yolks are used in compliance with the egg requirement of Section 509, of the Agricultural Code, said egg yolks shall have been secured from eggs having an average weight of not less than 20½ ounces per dozen, or the equivalent in other grades. (See proposed weight requirements United States Standards and Grades for Eggs.)*†

431. Application for permit to use butter, eggs, and/or egg products in the manufacture of ice cream or ice milk shall be made annually at time application for renewal of factory license is made, within 30 days prior to the expiration of each calendar year. Such permits will be issued for one year at a time only.*†

432. Chocolate ice cream is construed to be a nut ice cream and must, therefore, contain at least 8 per cent of milk fat and 1 per cent by weight of ground chocolate or cocoa.*†

433. Coated (dipped), plain (undipped) bars, cakes, pies, suckers, lollypops, etc., sold under such trade names as "Eskimo Pie," "Zero Bar," "Alaska Cake," "Arctic Cake" and all other such trade names or terms, and containing ice cream, ice milk, or sherbet, or any combination thereof, as a filling, are considered to be a form of frozen products and must comply with the labeling provisions of the Agricultural Code applying to ice cream, ice milk, or sherbet. The ice cream, ice milk, or sherbet used in their preparation must meet with the standards and requirements, for such products, as set forth in the said code.*†

434. Where any trade name, word, or phrase is used in connection with the advertising, labeling, sale, or distribution of ice milk, there must also appear in connection with such trade name, word, or phrase, the words "ice milk" in a conspicuous manner.*†

435. The term "package" as used in Section 513 of the Agricultural Code is construed to include any carton, cup, bag, case, box, or any receptacle or container coming in contact with said product. The provision does not apply to containers commonly known as "ice cream cones."*†

436. Sherbet as defined in Section 506(d) of the Agricultural Code shall have an acidity of not less than 0.35 per cent calculated as citric.*†

437. Stabilizers as provided for in Section 506(a) and (b) of the Agricultural Code must possess the property of improving the body or texture of the ice cream or ice milk through the formation of a colloidal structure.*†

438. All ice cream mix and ice milk mix, after pasteurization, shall be maintained at a temperature below 50 degrees Fahrenheit until frozen.*†

Article 6. Neutralization of Ice Cream Mix

443. Neutralization of Ice Cream Mix. The use of neutralizer for the adjustment of ice cream mix shall not be practiced when the

*† For statutory and source citations, see note to § 400.

milk and/or cream used exceeds 0.2 per cent acidity or when the acidity of the entire mix exceeds 0.25 per cent acidity.*†

Article 7. Milk Drinks

448. Milk Drinks. Plants desiring to secure a license for the manufacture of acidophilus milk or modified milk, as provided for in Section 561 of the Agricultural Code may do so by letter, indicating herein the qualifications of technician who is to be employed and under whose supervision these products will be produced. The Department of Agriculture will, at its discretion, examine into the qualification of such technician as an essential consideration in determining whether or not the license for manufacture shall be issued. Each application for a license to manufacture acidophilus milk must be accompanied by a statement describing the method and manner by which the product is made.*†

Article 8. Imitation Ice Cream

468. Imitation Ice Cream. Imitation ice cream shall contain a minimum of one and six-tenths pounds of total food solids per gallon. Imitation ice milk shall contain a minimum of one and three-tenths pounds of total food solids per gallon. The determination of the weight of total food solids per gallon, and method of sampling, shall be the same as that set forth in Section 429.*†

469. Imitation ice cream and imitation ice milk may be made with the use of artificial color and artificial flavor provided, the labeling and sale of such products shall be in accordance with the provisions set forth in the Pure Foods Act, approved March 11, 1907, as amended.*†

Article 9. Oleomargarine Records

474. Oleomargarine Records. Wholesale dealers required by the provisions of the Agricultural Code to keep a record of sales of oleomargarine shall once each month prepare and alphabetically arrange a legible list of all customers of the month just preceding showing the total amount sold to each customer for the month, together with each customer's address and shall forward a copy of said list to the office of the Department of Agriculture of the State of California at Sacramento.*†

Article 10. Sterilization, Cooling and Handling Practices

479. Sterilization, Cooling and Handling Practices. Definition. The word "sterilized" as used in Sections 643 and 644 of the Agricultural Code, is construed to mean that the process of destroying all micro-organisms shall be accomplished by heat or by a chlorine process. Such heat sterilization process shall be carried to a point equivalent to that accomplished by subjection to water or water vapor at a temperature above 170 degrees Fahrenheit for 15 minutes as required by Sections 643 and 644, Agricultural Code. Immersion in boiling water (water at 212 degrees Fahrenheit) or subjection to superheated steam or steam under pressure for less than 15 minutes must accomplish the same degree of efficiency reached in 15 minutes by water or water vapor above 170 degrees Fahrenheit. Scalding as used in the ordinary sense and which consists of rapidly pouring hot water over utensils is insufficient, in that

*† For statutory and source citations, see note to §400.

some of the surfaces, especially of tubular equipment, are frequently entirely missed and always some parts of the utensils are inadequately heated.*†

480. Sterilization Process. The chlorine sterilization process is hereby established in accordance with the Agricultural Code, as follows:

(a) A minimum original strength of 100 p.p.m. of active or available chlorine shall be applied to the equipment for at least two consecutive minutes where the sterilization process consists of flowing in volume a solution which contains active or available chlorine, over or through the equipment, or by immersion of the equipment into such solution. When the chlorine sterilization process is accomplished by any other procedure, a continuous, unbroken film of the sterilizing preparation shall be in contact with all surfaces to be sterilized for a period of at least five consecutive minutes. If applied in liquid form, such preparation shall have an original minimum strength of 250 p.p.m. active or available chlorine.

(b) All solutions used for the sterilization of equipment shall be freshly prepared and used promptly after preparation.

(c) All equipment to be treated with solutions which contain active or available chlorine as a sterilizing agent shall be thoroughly cleaned, rinsed, sterilized, and allowed to drain before use, in the order herein specified. The condition or cleanliness of the equipment, or method of application of the sterilizing preparation shall be such that at no time during the sterilization process shall the strength of the chlorine preparation fall below 50 p.p.m. active or available chlorine.

(d) All users of a chlorine preparation as a sterilizing agent shall be equipped at all times with suitable reagents and apparatus necessary for testing the strength of chlorine preparations used, and shall conduct such tests properly and regularly, and as often as may be indicated to insure satisfactory results. All reagents, apparatus, and methods of testing shall be approved by the Department.

(e) The bacterial standards of sterility for all equipment shall be those specified in the latest edition of "Standard Methods for the Examination of Dairy Products."*†

481. The practice of emptying and holding milk cans in barns, corrals, etc., where milking is done is construed to be a violation of Section 643 of the Agricultural Code, wherein it is required that milk must not be canned or kept in a place occupied by cows or other animals. The practice of pouring from a milking machine pail into a stripping pail or other properly protected container which is removed to the milk house immediately shall not be deemed a violation of this provision. No milk buckets or pails shall be placed on the barn floor except when in actual use and any such buckets or pails shall at all times be covered or protected from contamination.*†

482. The phrase "cooled to as low a temperature as practicable" as used in Section 643 of the Agricultural Code, is construed to mean that the milk or cream is to be cooled to within four degrees Fahrenheit of the temperature of the coldest water available on the premises.*†

*† For statutory and source citations, see note to §400.

483. In accordance with the requirements of Section 456 of the Agricultural Code, the following form is adopted as the official Dairy Farm Score Card in the State of California:

DAIRY FARM SCORE CARD

State of California, Department of Agriculture, Sacramento

A. A. Brock, Director

Division of Animal Industry

Bureau of Dairy Service

County_____ Name_____

Town_____ Business address_____

Total No. cows____; No. milking____; Gals. milk daily____; Cream____

Disposition_____ Date_____

EQUIPMENT—30%	Perfect	Allowed	METHODS—70%	Perfect	Allowed
Cows	8		Handling Utensils	30	
Apparent good health	2		Thoroughly washed	12	
Tested and reactors removed	4		Sterilized and dried	15	
Food (clean and wholesome)	1		Protection from contamination	3	
Water (clean and fresh)	1				
Utensils	10		Cleanliness of Milking	20	
Hooded buckets (or less according to opening)	4		Cows clean	4	
Necessary equipment available (or less according to efficiency)	2		Udders washed and wiped	8	
Construction and condition	3		Cleaned with moist cloth	5	
Clean milking suits	1		Brushed	1	
Milk House	7		Sterile milking machines or clean dry hands	8	
Location; free from contaminating surroundings	2		Handling of Milk	15	
Construction	2		Milk removed immediately to milk house without pouring from pails	3	
Floor, walls and ceiling	1		Protection from dust and insects	5	
Light, ventilation and screens	1		Cooled and held below 40° F.	6	
Separate rooms for washing utensils and handling milk	1		Below 50° F.	5	
Water clean, pure and convenient	1		Below 60° F.	4	
Steam or boiling water convenient	1		Below 70° F.	3	
			Below 80° F.	1	
			Aerated	1	
Stables	5		Cleanliness of Buildings	5	
Location; free from contaminating surroundings	1		Cleanliness of milk room	2.5	
Drainage	2		Cleanliness of stable	2.5	
Construction	2		Total	70	
Floor, walls and ceiling	1		Deduct for:		
Light and ventilation	1		Very filthy utensils		
			Very filthy milk room		
Total	30		Equipment+methods=final score.		

*†

Article 11. Milk Product Plant Score Card

488. Milk Product Plant Score Card. In accordance with the requirements of Section 456 of the Agricultural Code, the following form is adopted as the official Score Card for Milk Products Plants in the State of California:

*† For statutory and source citations, see note to §400.

MILK PRODUCTS PLANT SCORE CARD

State of California, Department of Agriculture, Sacramento
Division of Animal Industry—Bureau of Dairy Service

Trade Name_____ Owner or Manager_____
Town_____ Business Address_____
Products Manufactured or Processed_____
Factory License No._____ Date_____
Inspection Made: Before, during, after processing (hour)_____ M.

ITEM NUMBER	PERFECT SCORE	ALLOWED
	A	B
1. **LOCATION:** Surroundings clean 1; sanitary 4; orderly 1; attractive 1	7	
2. **ARRANGEMENT:** Rooms—adequate number 4; size 4; convenient 2; attractive 1; shafts, pulleys, pipes, ledges, clean 2	13	
3. **FLOORS:** Smooth 4; sound 5; properly sloped to trapped drain 5; non-absorbent 5; clean 4	23	
4. **WALLS:** Sound 4; smooth 4; light color 1; non-absorbent 4; clean 4	17	
5. **CEILINGS:** Sound 2; smooth 2; proper height 4; light color 1; clean 2	11	
6. **DOORS, WINDOWS:** Screened (or protected) 5; good repair 2; doors open out and self-closing 3; clean 2	12	
7. **LIGHT:** Adequate and evenly distributed 4	4	
8. **VENTILATION:** Adequate and evenly distributed 5	5	
9. **WATER SUPPLY:** Clean 2; approved source 5; sufficient outlets 1; hose satisfactory 1; abundant 1	10	
10. **TOILET:** Good repair 1; vestibuled 1; ventilated 1; self-closing door 1; lavatory 1; soap 1; towels 1; clean 2; fly proof 1	10	
11. **DRESSING ROOM:** Clean 2; ventilated 2; orderly 1	5	
12. **HAND WASHING FACILITIES:** Wash basin 1; convenient 1; warm water 1; soap 1; towels 1; clean 1; sufficient 1	7	
13. **COLD STORAGE ROOMS:** Proper construction 4; free of odors 2; proper temperature 1; clean 3	10	
14. **WASTE DISPOSAL:** Sewer facilities 5; covered waste containers 2	7	
15. **WASHING FACILITIES:** Wash tanks 2; condition 1; sufficient brushes 1; suitable 1; adequate 1; washing powder 1; clean 1	8	
16. **STERILIZING FACILITIES:** Adequate 5; efficient 5; convenient 1; temperature indicators accurate 1; clean 2	14	
17. **CONTAINERS:** Smooth 1; no open seams 2; rust-free 2; clean 5; sterilized 5; dried 5; protected storage 1	21	
18. **VATS:** Smooth 2; tight surfaces 4; free of exposed copper or rust 2; proper covers 2; clean 5; sterilized 5; dried 5	25	
19. **COOLING FACILITIES:** Adequate 2; smooth 1; sound surfaces 2; free of exposed copper or rust 2; clean 5; sterilized 5; dried 5; protected 2; proper temperature 5	29	
20. **SANITARY PIPES, FITTINGS AND PUMPS:** Proper type 1; smooth surface 2; free of dents 2; free of exposed copper 2; flush type valve 3; leak detector type valve 2; clean 5; sterilized 5; dried 5; protected 2	29	
21. **THERMOMETERS:** Approved type of mounting 3; accurate 5; sufficient 3; indicating thermometer 3	14	
22. **THERMOMETER CHARTS:** Proper 2; correctly recorded 3; filed 2	7	
23. **OTHER EQUIPMENT:** Adequate 2; good repair 7; clean 5; sterilized 5; dried 5; protected 2; (underline equipment examined) freezer, homogenizer, churn, separator, bottler, weigh tanks	26	
24. **PROTECTION OF PRODUCT:** From contamination 5, (flies, dust, odors, vermin, water); proper delivery temperature 2	7	
25. **EXPEDITIOUS OPERATION:** Celerity and dispatch 2	2	
26. **LABELING:** Of products—Legal 2	2	
27. **LABORATORY CONTROL:** Satisfactory 4	4	
28. **PERSONNEL:** Sufficient 1; clean habits 10; clothing 2	13	
29. **TRANSPORTATION VEHICLES:** Protected 1; clean 1; attractive 1; legal signs 1	4	
30. **STORAGE OF SUPPLIES:** Clean 2; orderly 1; properly protected 1	4	
Draw line through items in Column A which do not apply to this Milk Products Plant, and do not include such items in total for perfect score. **TOTAL POINTS**	350	
PER CENT	----------	

Duplicate copy received

_____ _____
Representative

DS FORM 30

*†

*† For statutory and source citations, see note to §400.

Article 12. Identification of Containers

493. Identification of Containers. Containers while in use for the purpose of delivering or receiving milk or cream at a milk products plant shall be properly identified with the patron's name or number in a manner that will not erase. Said name or number shall correspond with the name or number of the patron appearing on the records of the plant.*†

Article 13. Licenses and Records

498. Licenses and Records. Any person making application for a factory license as required by Sections 671 and 672 of the Agricultural Code, or the renewal thereof, shall file a properly executed affidavit in connection therewith setting forth therein such facts as may be indicated in an appropriate form, supplied for the purpose, by the Department of Agriculture of the State of California.*†

499. Any person desiring to secure a milk and cream tester's license as required by Section 676 of the Agricultural Code shall first file with the Department of Agriculture an application in writing, on an appropriate form provided for the purpose by the said Department and shall at the same time pay the original fee of five dollars. Each applicant shall specify the method intended to be used and for which the license is desired. Before any such "tester's license" is issued, the applicant shall be required to pass a satisfactory written examination, securing a grade of at least 70 per cent, and an oral laboratory examination and demonstration of technique sufficiently thorough to indicate the ability of the applicant to take accurately, individual and composite samples which are truly representative of the lot from which the sample was taken in any and all of the different ways that accurate and legitimate samples of milk and cream are secured in California and to conduct accurate tests on milk and cream and secure a grade of at least 80 per cent. The examination shall be adapted to the particular method of testing specified in the application. The license, if issued, shall specify the method to be used by the licensee and shall not be construed to permit tests to be made by the applicant using any other method than that specified in the license.*†

500. Any person desiring to secure a license to weigh, or sample milk, or cream, or both, for testing as required by Section 676 of the Agricultural Code shall first make application in writing on an appropriate form supplied by the Department of Agriculture of the State of California and shall at the same time pay the original fee of one dollar. Before any such sampler's and weigher's license is issued, the applicant shall be required to pass a grade of at least 70 per cent on a written examination. Before any such license is issued, the applicant shall also obtain a passing grade of 70 per cent on an examination demonstrating his ability to take correctly, individual and composite samples which are truly representative of the lot from which the sample was taken in any and all of the different ways that accurate and legitimate samples of milk and cream are secured in California and on his ability to make correct weights on milk and cream. He shall also prove himself capable of answering intelligently any questions pertaining to his work as a

*† For statutory and source citations, see note to §400.

sampler and weigher of milk and cream and demonstrate the legibility of his writing and figures by properly completing a satisfatcory form of weigh sheet which shall contain the five necessary essentials that must appear on a weigh sheet, namely: Full date on which the milk and cream was received; name and address of person purchasing, receiving, or selling the product weighed; name or number of the patron; net weight of the milk and/or cream of the delivery or shipment and the full name of the licensed tester or licensed sampler and weigher who does the weighing.*†

501. Any person desiring to secure a license to make bacteriological determinations upon milk or cream which determinations are to be used as a basis of payment or determining value as required by Section 676 of the Agricultural Code, shall first make application in writing on an appropriate form supplied by the Department of Agriculture of the State of California and at the same time shall pay the original fee of five dollars. Before a technician's license is issued to such applicant he shall be required to pass a written, oral and laboratory examination and demonstration of technique sufficiently thorough to indicate the ability of the applicant in making bacteriological determinations on milk and cream which are reasonably accurate, and secure in each of these examinations a grade of at least 70 per cent.*†

502. Except as otherwise herein provided, the collection of samples of milk or cream for bacteriological examination, when taken for determining value or upon which basis of payment is made, shall be secured under the supervision of a licensed technician and the technique followed in determining the bacterial content of milk or cream shall be in a manner described in the current edition of the "Standard Methods for the Examination of Dairy Products" of the American Public Health Association. Such samples must be representative and shall be taken from the original containers direct from the delivery wagons, trucks, dairies, milk plants, or other places of business every eight-day period each month except the last period which shall begin on the twenty-fifth and end with the last day of the month, and at irregular intervals without previous notice to any producer.*†

503. All persons holding a technician's license shall make duplicate records of the result of each test, the original to be made with indelible pencil or ink and the duplicate to be made by the use of carbon paper.*†

504. (a) The forms on which bacteria counts are kept shall be of satisfactory paper stock of suitable size and providing space for necessary information. Such forms shall be approved in writing by the California Department of Agriculture.

(b) Each sheet shall be authenticated by the signature of the licensed technician and marked with the date upon which the tests were made.*†

505. Whenever a change in the records, while still in the possession of the licensed technician, is necessary, the original entry on the records shall be marked out with a single stroke of the pencil or pen

*† For statutory and source citations, see note to §400.

without defacing the figure and the correction noted immediately adjacent to the original entry. The change shall be identified by the initials of the technician, which are to be written on the record immediately adjacent to the correction. Whenever for any cause a change in the records is necessary after the duplicate sheet has been deposited in the official sealed box maintained for this purpose, a record of such change shall be made and deposited in the official sealed box and this sheet authenticated by the signature of the licensed technician. When necessary changes are made on the original test sheet, such changes shall be made only by the licensed technician.*†

506. (a) The original bacteriological record sheet shall be delivered to the management of the concern for whom the tests are made immediately upon completion of the bacterial examination.

(b) The duplicate bacteriological record sheets shall be deposited immediately in an official box provided by the person for whom the bacteriological determinations are made, such box shall be made in accordance with specifications obtained from said Department of Agriculture, and be kept in the test room or other place approved by an authorized representative of said Department of Agriculture at all times. The same official box may be used for both milk fat test record sheets and bacteriological examination record sheets.*†

507. Incubation of all agar plates shall be for 48 hours at 37 degrees Centigrade.*†

Article 14. Babcock, Gerber and Mojonnier Tests

513. Babcock, Gerber and Mojonnier Tests. Governing the operation of the Babcock, Gerber (Fucoma equipment) and Mojonnier methods of determining the milk fat content of milk and cream where the product is purchased, received, or sold on the basis of its milk fat content.*†

514. Samples, Sampling and Weighing. (a) Milk and cream must be thoroughly mixed and stirred before samples are taken. Containers of a size larger than a 10-gallon milk can from which samples are taken must be equipped with mechanical devices which will thoroughly mix the milk or cream to be sampled and shall be kept operating at all times while milk or cream is being weighed and sampled. Such mechanical devices shall be of a type and installed in a manner approved by the Director. Samples shall be representative of the fat content of the product sampled, and in cases of composite samples shall be proportionate in amount to the amount of product from which the sample is taken, and no part of the composite sample shall be spilled or lost while transferring it to the sample bottle. When any style of tube is used to secure composite samples and the lot of product to be sampled is in containers or cans of different sizes and diameters, different tubes with diameters in proportion to the diameters of the cans or containers must be used. Sampling tubes and dippers that are badly dented, or leak, must not be used. Cylindrical shaped dippers, only, shall be used when samples are secured with dippers. The sampling devices shall be rinsed

*† For statutory and source citations, see note to §400.

in the product to be sampled before any part of the product is transferred to the sample bottle. With reference to the last sentence in Section 681 of the Agricultural Code, further provision is hereby made permitting the use of time composite samples of cream from patrons where regular deliveries of cream contain three pounds or less of milk fat in each regular delivery but must not represent a period of more than eight days.

(b) Time composite samples of milk, when used as a basis for payment for the milk fat contained in the product when purchased, received, or sold, must not represent a period of more than eight days.

(c) Samples shall be marked for identity in a manner that will not erase, and in case an identification number is discontinued in any case, the same number may not be reapplied to another patron for a period of at least two months.

(d) Weights must be read and recorded to the nearest half-pound graduation on the scales for cream, and the nearest one-pound graduation for milk.

(e) Licensees weighing and sampling milk or cream will be held responsible for keeping mechanical agitators operating during the time the product is being weighed and sampled.

(f) All active and relief licensed testers must keep their current licenses displayed at all times in the test room, or laboratory where they are employed.*†

515. (a) Cream samples for testing shall be held in wide-mouthed bottles of at least two-ounce capacity and must contain at least two fluid ounces of sample when they are received in the test room to be tested, and when taken on truck routes sample bottles must be filled to the top to prevent churning in transit, closed with a tight fitting rubber stopper securely fastened to the bottle, when the patron's name or number appears thereon, or otherwise hermetically sealed in a manner approved in writing by an authorized representative of the California Department of Agriculture.

(b) Milk samples for testing may be held in a container of the same style specified for cream, or in milk bottles closed with a tightly fitted, paraffined milk bottle cap.*†

516. (a) For preserving milk samples for milk fat determination, solid preservative may be added in sufficient amount to preserve the milk, but must not exceed 1 per cent of the total weight of the sample; or liquid preservative may be added in sufficient amount to preserve the sample, but must not exceed two drops of preservative per fluid ounce of milk.

(b) For preserving cream samples for milk fat determination, solid preservative may be added if necessary, but must not exceed $\frac{3}{10}$ per cent of the total weight of the sample; or liquid preservative may be added not to exceed two drops of preservative per fluid ounce of cream.

(c) Time composite samples must always be well mixed whenever an addition is made to any such sample in order to diffuse the preservative throughout the sample and to thoroughly mix any cream which may

*† For statutory and source citations, see note to §400.

have adhered to the walls of the sample bottle, but not violently enough to cause churning, wet the stopper or allow any milk to escape from the sample bottle.*†

NOTE.—Mixing must be accomplished with a rotary motion of the sample bottle and not by shaking.

517. (a) Any person purchasing, receiving, or selling milk or cream on the basis of its milk fat content must provide a cool place, maintained at a temperature of 60 degrees Fahrenheit or below, in which licensees shall keep all samples during the sampling periods and during the holding periods, after the samples have been tested. Such holding places must be provided with strong substantial doors and good locks and all keys to such locks must be in the possession of the licensed samplers and weighers during the sampling period and the licensed milk and cream testers during the testing and holding period. All such holding places shall be kept locked at all times except during the intervals while samples are being placed in or removed from such holding places.

(b) A licensed tester shall retain in his custody unmodified samples of all milk and cream tested by him for a period of at least 72 hours if they are daily samples, and for a period of at least 120 hours if they are time composite samples, and shall be personally responsible for their safe keeping.*†

Babcock Testing

518. Test Room Equipment. (a) All glassware shall be in conformity with the specifications set forth in Section 686 of the Agricultural Code and shall bear a legible and indelible distinguishing mark indicating official approval.

(b) Test bottles must be well cleaned after each using and rendered entirely free from fat and any other foreign matter.

(c) Milk and cream test bottles, that have become badly pitted on any part of the graduated part of the necks from constant use or any other cause, and such pits or marks interfere with correct determination of any individual graduation or figures, must be discarded and not used.

(d) The scales or balances used in weighing the charges into cream test bottles must be accurate and shall have a sensibility of not more than 30 milligrams.

(e) The scales or balances must be fixed in position or set on an even, solid and level support while in use.

(f) The scales or balances used must be free from vibration and draughts of air while being used.

(g) Weights for weighing cream samples must be correct within a tolerance of 10 milligrams for the nine-gram weight and 20 milligrams for the 18-gram weight.

(h) The pipette used for measuring milk samples shall be whole and must not have a broken tip nor any portion of the delivery end removed.

(i) The centrifuge must be level, firmly secured on a solid foundation and when in operation, free from vibration due to loose bearings, or other cause.

*† For statutory and source citations, see note to §400.

(j) The arms of dividers or other measuring devices must work smoothly and joints and bearings must be tight enough to prevent slipping at any possible position of measurement.*†

519. Accuracy in Weighing Cream Tests. (a) Empty test bottles must be accurately balanced before receiving the charges of cream and outside surface of bottles must be entirely free from moisture or other substances.

(b) Cream samples must be thoroughly mixed to an even consistency before being weighed into the test bottles by pouring from one container into another, for at least four round trips.

(c) Cream samples when cold, sour, thick, or lumpy, must be carefully heated to a temperature that will allow thorough mixing before the charge is weighed into the test bottle, but at no time shall the water in the tempering bath exceed 100 degrees Fahrenheit, except for churned samples, and all samples must be weighed into the test bottles at a uniform temperature.

(d) After mixing cream samples, preparatory for weighing the charges into the cream test bottles, the container, or containers, used for mixing the samples must be washed free from all cream and fat, in hot water, and well drained before using again.

(e) When, from any cause, cream samples have become churned and contain particles or lumps of gathered fat, such samples shall be heated uniformly to 110 degrees Fahrenheit, but to no higher a temperature, and this temperature maintained until all particles or lumps of gathered fat are liquefied and then mixed and shaken violently, taking the charge for testing quickly before the liquefied fat has a chance to rise to the top.

(f) The pipette used for filling the charges into the test bottles must be rinsed out with water at about 110 degrees Fahrenheit between weighings. The water must be shaken or blown from the pipette. The pipette must be rinsed with the next sample to be weighed by drawing a portion of the sample into the pipette and discharging it before any portion of the sample is placed in the test bottle.

(g) The weight of the charge of cream in the test bottle must be accurately balanced.

(h) The practice of purposely and intentionally adding too much acid to charges of cream, in cream test bottles, and then immediately adding water to stop the action of the acid before the solids-not-fat are completely dissolved is strictly forbidden.*†

520. Accuracy in Measuring Milk Tests. (a) Samples must be thoroughly mixed before being measured into the test bottles by pouring from one container into another for at least three round trips. If the samples are cold or have been held until dry or hardened cream has formed at the surface, they must first be warmed to near 95 degrees Fahrenheit in order that thorough mixing of all parts of the samples may be accomplished, but at no time shall the water in tempering bath exceed 95 degrees Fahrenheit, except for churned samples. Thickened or dried cream at the surface of time composite samples must be loosened.

*† For statutory and source citations, see note to § 400.

The use of a brush for this purpose is prohibited. (A rubber paddle is recommended.)

(b) When, from any cause, milk samples have become churned and contain particles or lumps of gathered fat, such samples shall be heated uniformly to a temperature of 110 degrees Fahrenheit, but to no higher temperature, and this temperature shall be maintained until all particles or lumps of gathered fat are liquefied and then mixed and shaken violently, taking the charge for testing very quickly before the liquefied fat has a chance to rise to the top.

(c) Charges from milk samples shall not be pipetted into milk test bottles at a temperature exceeding 95 degrees Fahrenheit. Accurate measurements must be made of all charges of milk to be tested and the last drop or two clinging in the delivery end of the pipette must be shaken or blown into the test bottle.*†

521. Mixing Samples and Acid. (a) Temperatures of samples and acid shall be approximately 70 degrees Fahrenheit when mixed.

(b) Samples and acid must be thoroughly mixed for at least one minute immediately after mixing is begun. In cases where samples have been preserved with formaldehyde, the mixing process must be continued, without interruption, for at least five minutes, in order to allow the acid sufficient time to thoroughly dissolve all of the solids-not-fat in the charges.

(c) Cream samples should be a chocolate color after being thoroughly mixed with the proper amount of acid and standing for two or three minutes, and milk samples, under the same condition, should be a dark chocolate color.*†

522. Operation of Centrifuge. (a) Test bottles must be properly balanced in carrier.

(b) Samples must be centrifuged three times, with addition of hot water (temperature of water within a range of 140 degrees to 165 degrees Fahrenheit) to near the bottom of the neck after the first, and to near the top of the graduated part of the neck after the second centrifuging, and the length of time for whirling shall not be less than five, two and one minutes in the order named. Time for whirling shall not be commenced until centrifuge has reached full standard speed.

(c) In determining diameter of centrifuge carrier, measurement must be made with cups extended horizontally, the measurement being made from bottom of cups in every instance.

(d) In all testing of milk or cream, where the same is received, purchased, or sold upon the basis of the amount of milk fat contained therein, the Babcock tester shall be operated at the proper speed, which is as follows:

	Diameter of carriers	*Speeds shall be between*
(1)	14 inches	875 and 925 revolutions per minute
(2)	16 inches	825 and 875 revolutions per minute
(3)	18 inches	775 and 825 revolutions per minute
(4)	20 inches	725 and 775 revolutions per minute
(5)	21 inches	710 and 760 revolutions per minute
(6)	22 inches	700 and 750 revolutions per minute
(7)	24 inches	675 and 725 revolutions per minute

*† For statutory and source citations, see note to §400.

(e) The temperature of the centrifuge chamber when in operation shall be held within the range of 140 degrees and 165 degrees Fahrenheit as indicated by an accurate thermometer fastened permanently in cover or shell of centrifuge.*†

523. Reading Cream Tests. (a) The color of fat columns must be clear, translucent, golden yellow.

(b) The solution adjoining the bottom of the fat column must be perfectly clear.

(c) The fat columns must be practically free from precipitations or foreign matter.

(d) The completed tests must be held in a hot water bath, at a maintained temperature of between 130 degrees and 140 degrees Fahrenheit with the fat columns entirely submerged, for at least 10 minutes before readings are commenced, and the measurement and reading of the tests must be made immediately after removing each individual test from the hot water bath.

(e) Test bottles must be held in a perpendicular position when the fat columns are measured.

(f) The meniscus at the top of the milk fat column shall be destroyed by the use of an overlying foreign oil approved by the California Department of Agriculture, and the milk fat column shall be read from the extreme bottom of the fat column to the plane of separation between the fat column and the overlying foreign oil. Foreign oil must not be added to more than six tests at one time and only just immediately before readings are made.

(g) When undissolved solids-not-fat, charred material, or any other foreign substance is present in or at the base of the milk fat columns in the completed tests in sufficient amount to prevent an accurate measurement and reading of the fat columns, retests must be run on these samples until results are secured that will allow accurate measurements and readings.

(h) The light used, whether natural or artificial, during the readings of the fat columns shall be such that reflections or refractions of light will not cause inaccuracies in the true measurements.*†

524. Reading Milk Tests. All laws, Rules and Regulations governing the reading of cream tests shall also apply to reading milk tests except that the top meniscus of the fat columns of milk tests shall not be destroyed and the fat columns of tests on milk in milk-test bottles shall be read from the extreme bottom of the fat column to the top of the top meniscus.*†

525. Keeping Records of Tests. (a) All persons holding a State license to conduct tests of milk and cream shall make duplicate records of the results of such tests, the original to be made with indelible pencil or ink and the duplicate to be made by the use of carbon paper, and all tests shall be permanently identified with a patron name or number. All duplicate test record sheets and duplicate retest sheets must be made perfectly legible with the carbon paper used. All tests and retests of milk and cream must be entered directly on the official sheets.

*† For statutory and source citations, see note to §400.

(b) The forms on which test records are kept shall be approved in writing by the Department of Agriculture.

(c) Each sheet shall be authenticated by the full signature of the licensed tester; marked with the complete date on which the tests were made; and the name and address of the person, firm, company, or association purchasing, receiving, or selling the product that has been tested shall appear on the test record sheets.

(d) Whenever a change in the records, while still in possession of the tester, is necessary by reason of accident or failure to properly record the test, or when a retest is made, and the retest is sufficiently different from the first test, the original entry on the records shall be marked out with a single stroke of the pencil or pen, without obliterating the figures, and the correction noted immediately adjacent to the original entry. The change shall be identified by the initials of the tester, which are to be written on the record immediately adjacent to the correction. Whenever, for any such cause, a change in the records is necessary, after the duplicate test record sheet has been deposited in the official sealed box maintained for this purpose, a record of such change shall be made by the licensed tester on a retest sheet. Any changes or corrections occasioned by these retests are to be made on the original test record sheet in the office, by the licensed tester only, and then this retest sheet deposited in the official sealed test record sheet box. Any grade or color of paper as large as six by eight inches will serve for a retest sheet and it is not compulsory that the retest sheets be made in duplicate. If the employer requires the licensed tester to make retest sheets in duplicate and the licensed tester does not make the occasioned changes or corrections on the original test record sheet in the office, the original retest sheet must be permanently fastened to the original test record sheet in the office to which it belongs, and the duplicate retest sheet deposited in the official sealed test record sheet box. The name and address of the person, firm, company, or association purchasing, receiving, or selling the product retested must be entered on all retest sheets. Two dates must appear on all retest sheets—one showing the date the retest was made and the other showing the date that the milk and/or cream that was retested was first tested. All retest sheets must be made with indelible pencil or ink and be signed with the full name of the tester. Initials alone are not a legal signature. All retests must be accompanied by the patron's name or number in order to determine to whom the sample retested belonged.

(e) When a retest on a sample of milk shows a variation not exceeding one-tenth of 1 per cent the original test must be used as the basis for payment. If the variation exceeds one-tenth of 1 per cent then the retest must be used.

(f) The original test record sheets shall be delivered to the management of the concern for whom the tests are made immediately upon completion of the tests on the day's samples.

(g) Upon completion of the tests on the day's samples the duplicate test record sheets shall be deposited immediately in an official sealed box made in accordance with the specifications obtained from the Department of Agriculture, such official test record box to be kept in the test

*† For statutory and source citations, see note to §400.

room at all times, or in an appropriate and secure place convenient to the test room, and duplicate test record sheets must not be left out of the sealed test record sheet box over night for any reason whatsoever.

(h) Testing of all samples of milk and cream must be commenced within 24 hours after completion of the samples. Licensed milk and cream testers must not be interrupted while testing samples, nor called away from their work.*†

526. Character of Work. (a) A licensed tester shall not work faster than will permit thoroughness and accuracy.

(b) Variations between the licensed tester's first tests and his retests on the same samples, amounting to 1 per cent or over on cream tests and over one-tenth of 1 per cent on milk tests, are considered to be excessive.

(c) All active and relief licensed testers must be checked for the accuracy of their work as often as is possible. Inactive licensed testers will not be checked for the accuracy of their work so long as they remain inactive, but as soon as they become active they must notify the inspector in their district or the office of the Department of Agriculture, at Sacramento, by letter, so that they may be properly checked. A licensed tester shall be considered inactive when he has not been regularly engaged at this work for a period of 60 days. The results of such check test must show not more than 10 per cent excessive variations between their first tests and their retests, or between their tests and the official dairy laboratory tests, on the same samples.

(d) The term "active" applies to licensed testers engaged in conducting milk fat tests on milk or cream received, purchased, or sold on its milk fat content. The term "relief" applies to licensed testers relieving active testers or licensed testers maintained in a plant to test during emergency periods. The term "inactive" applies to licensed testers failing to come within the classification of active or relief licensed testers.

(e) Any person engaging or employing a licensed tester to conduct tests on milk or cream received, purchased, or sold on its milk fat content must at the time determine if such tester has been inactive, and if so, must immediately notify the Department of Agriculture, at Sacramento, of such employment so that said tester may be checked as soon as possible.*†

527. Observation of Laws, Rules and Regulations. A licensed tester shall at all times thoroughly understand and comply with all laws, Rules and Regulations governing the testing of milk or cream purchased, received, or sold on the basis of the amount of milk fat contained therein by any method or process, and must secure accurate results.*†

Gerber Testing

528. Gerber Testing (Fucoma Equipment). The Gerber test, using Fucoma equipment, may be used for tests on milk only (not cream), when the results obtained are to be used as a basis of payment for milk fat contained therein.*†

529. Licensed testers using Fucoma equipment for tests on milk must follow explicitly the instructions recommended by the manufacturer for conducting this test, unless otherwise instructed in writing by

*† For statutory and source citations, see note to § 400.

an authorized representative of the California Department of Agriculture.*†

530. All equipment shall be accurate and kept in good working condition to the satisfaction of an authorized representative of the California Department of Agriculture.*†

531. All of Sections 513, and subsections (b), (c), (h), (i), of Section 514; subsections (a), (b), (c) of Section 516; subsection (b) of Section 521; subsection (a) of Section 522; subsections (a), (b), (c), (d), (e), (g) of Section 523; and all of Sections 524, 525, 526 and 527 also apply to the Gerber Method (Fucoma equipment).*†

Mojonnier Testing

532. Mojonnier Testing. Licensed testers using Mojonnier equipment for determining the milk fat content of milk or cream on which payment is based, must follow explicitly the current instructions for conducting the test issued by the manufacturer, unless otherwise instructed in writing by an authorized representative of the California Department of Agriculture.*†

533. All equipment shall be accurate and kept in good working condition to the satisfaction of an authorized representative of the California Department of Agriculture.*†

534. When Mojonnier fat tests on milk are used as a basis for payment, and the charges used for testing are measured instead of being weighed, the pipettes used for measuring the charge must first be examined for accuracy as specified in Section 686 of the Agricultural Code, covering the examination of Babcock testing glassware.*†

535. All of Section 513, and subsections (d), (e), (f), (h) of Section 514; subsections (b), (c), (d), (e) of Section 515 and all of Sections 525, 526 and 527 also apply to the use of the Mojonnier Method.*†

536. Posting. The Director of Agriculture may cause to be placed in a conspicuous manner in test rooms or laboratories conducting tests on milk and/or cream received, purchased, or sold on its milk fat content a copy of Article 14. Said copy to be securely fastened and permanently kept in test room or laboratory.*†

Article 15. Registration of Dairy Containers Brands

561. Registration of Dairy Containers Brands. Any person desiring to register any brand, as provided by Section 701 of the Agricultural Code, shall file a properly executed application on a form supplied by the Department of Agriculture of the State of California, whereupon the Department, after holding for a period of three weeks during which time the proposed brand shall be advertised in one or more newspapers of general circulation published in the locality in which the principal place of business of the applicant is situated, and if at the end of such period there appears to be no contest of right or ownership to said brand, the Department will upon receipt of an affidavit of publication, formally register such brand as the correct and legal designation for the property of the applicant.*†

*† For statutory and source citations, see note to §400.

562. In the event that any brand has been registered by an association whose members are engaged in receiving, producing, manufacturing, packing, canning, bottling, handling, or selling milk or any product of milk in containers on which such brand or any part thereof appears, such brand or part thereof may be used by all members of such association. Should any member of such association cease at any time to be a member for any reason whatever then such member shall thereafter have no right to use the brand, or any part of the brand registered by such association, whether the containers bearing such brand or part thereof shall have been acquired by such member before or after his membership shall have terminated. The foregoing shall apply to all brands registered by such association.*†

Article 16. Location of Farmers

567. Location of Farmers. Whenever it is not possible for milk products plants purchasing milk or cream direct from farmers to furnish addresses in connection with the list of patrons as required by Section 662 of the Agricultural Code, the approximate location may be given in lieu thereof by indicating the distance and direction from certain local landmarks, and it shall be the duty of all such plants to keep a record of the approximate location of all patrons, which record shall at all times during working hours be accessible to duly authorized representatives of the Department of Agriculture of the State of California.*†

Article 17. Condemnation of Milk Products

572. Condemnation of Milk Products. Whenever a manufactured product of milk is found to be impure, unclean, unwholesome, stale, adulterated, or found to be produced, manufactured, or kept in an insanitary place, by an authorized representative of the Department of Agriculture of the State of California, he shall proceed to attach to such manufactured product, or the containers thereof, in an appropriate manner, a tag or label bearing the words "California Inspected and Retained" and a copy of this Regulation. Such manufactured product of milk may not be sold, or moved, or transported to any place or premises until the owner thereof has been given due notice and hearing as provided by Section 453 of the Agricultural Code. Said labels shall be removed by an authorized representative of the said Department of Agriculture and the product or products so held either released or condemned and marked, or destroyed, or otherwise disposed of as determined by such hearing.*†

Article 18. Pasteurization

577. Pasteurization. (a) In accordance with specific authorization provided in Section 634 of the Agricultural Code, market cream may be pasteurized for 30 minutes at a temperature not to exceed 150 degrees Fahrenheit.

(b) Milk to be separated for the production of market cream may be heated upon arrival at the plant to a temperature not to exceed 110 degrees Fahrenheit. If heated to a higher temperature the milk must be carried through the complete process of pasteurization and the market cream produced therefrom must be labeled with the word "pasteurized."*†

*† For statutory and source citations, see note to §400.

Article 19. Operators of Pasteurization Equipment

582. Operators of Pasteurization Equipment. All persons operating pasteurizers shall comply with the following Regulation:

(a) Every pasteurizer shall be equipped with a recording thermometer which shall be used solely for that individual piece of equipment. Transferring of thermometer spuds from one vat to another shall be prohibited.

(b) Recording of temperatures on recording thermometer charts shall be continued during the complete revolution of the chart and in no case shall a recording thermometer chart be used for a period longer than for which it was intended.

(c) Recording thermometer charts shall be placed on recording thermometer devices in a way that will record the correct time of day during which the various operations of pasteurization, cooling (if cooled in vat) and sterilization took place.

(d) Recording thermometer charts shall be dated at the time they are placed on recording thermometer devices.

(e) Notations shall be placed on recording thermometer charts showing what product or products were pasteurized.

(f) All recording thermometer devices shall be securely fastened to solid foundations and shall be free from vibration.

(g) All recording thermometer charts shall be authenticated by the signature of the operator of the pasteurizing equipment.

(h) Indicating thermometers shall be accurate within 0.5 degrees Fahrenheit, plus or minus, within the pasteurization temperature range, and shall have a scale range of 130 degrees to 212 degrees Fahrenheit, extension either side permissive, protected against damage at 220 degrees Fahrenheit. The smallest scale division shall not be more than 1 degree Fahrenheit between 130 degrees and 150 degrees Fahrenheit. The magnification of the mercury column shall be to apparent width of not less than one-sixteenth inch ($\frac{1}{16}''$). Spuds of indicating thermometers shall be at the level of the spud of the recording thermometer.*†

Article 20. Market Cream

587. Market Cream. Market cream which has been fermented by the action of one or more strains of lactic acid bacteria so that the product contains distinct acidity, but which otherwise conforms to all requirements for market cream, except those pertaining to bacteria, may be sold under the designation of "Sour Market Cream" or "Cultured Market Cream."*†

588. Market cream shall conform to the standards established in Section 471 of the Agricultural Code, except that the milk fat content for whipping cream and pastry cream shall be not less than 30 per cent.*†

589. The words "whipping cream," "pastry cream," "table cream," and "coffee cream" may be used for labeling market cream. Otherwise, the requirements for labeling market cream are the same as those relating to market milk.*†

590. Homogenized market milk is market milk which has been subjected to a process or treatment in such manner as to insure breakup of

*† For statutory and source citations, see note to §400.

the fat globules to such an extent that no visible cream separation occurs after 48 hours storage and milk fat tests of the milk at the top of the bottle do not show a difference in fat content over the test of the remainder of the milk after thorough mixing exceeding 12½ per cent of the total fat content, and which otherwise conforms with all requirements for market milk. Homogenized market cream is market cream which has been forced through an orifice under sufficient pressure to insure breakup of the fat globules to such an extent that no visible cream separation occurs after 48 hours storage, and which otherwise conforms to all requirements for market cream. Homogenized market milk and market cream can not be mixed with market milk or other milk products which have not been homogenized. Market milk and market cream which have been treated to a process of homogenization must be so labeled.*†

591. Half and half is a product consisting of equal parts of market milk and market cream, each of which conforms to all requirements for these products. It shall contain not more than 30,000 bacteria by official plate count.*†

592. Ungraded raw market milk is declared unclean, impure, unwholesome and unfit for sale for human consumption as such when it contains more than 25,000 bacteria by official plate count.*†

593. Ungraded pasteurized market milk is declared unclean, impure, unwholesome and unfit for sale for human consumption as such when it contains more than 100,000 bacteria by official plate count before pasteurization or when it contains more than 15,000 bacteria by official plate count after pasteurization.*†

Article 21. Milk Inspection Services

598. Milk Inspection Services. Any unit of government or other group desiring approval of a milk inspection service shall make application for approval in writing to the Department of Agriculture of the State of California. Upon receipt of said application the said Department of Agriculture shall determine if such unit of government or other group is entitled to such approval. If such approval is given, the said Department of Agriculture shall issue a certificate of approval to the milk inspection service, provided, such approval may be withdrawn should the milk inspection service later become inefficient, whereupon the certificate of approval shall be forfeited.*†

599. To secure and hold such approval a milk inspection service must:

(a) Provide a sufficient force of qualified inspectors, under the general direction of a regularly licensed physician, and sufficient laboratory facilities to enforce efficiently any and all laws and Regulations relating to graded milk and cream. In the absence of a laboratory, arrangements may be made with a person or firm, approved by the Department of Agriculture, to do bacteriological and other laboratory work.

(b) Provide for the efficient physical examination of employees as required by law.

*† For statutory and source citations, see note to §400.

(c) Provide for the physical examination, under the supervision of an approved milk inspection service, of all cattle producing milk to be sold in its jurisdiction, as required by law. This shall consist of a general physical examination for manifest evidence of diseases such as enlarged glands, mastitis, pyometra, tuberculosis, open sores, ulcerated teeth, abscesses, etc.

(d) Maintain the standards for the various grades of milk and cream as established by the Agricultural Code and the Rules and Regulations hereby established.

(e) Cooperate in holding of official surprise milk scoring contests, surveys, or other related work, whenever requested to do so by a duly authorized representative of the Department of Agriculture of the State of California.

(f) Provide for the grading of market cream on the same basis as market milk.*†

600. Inspectors. No dairy inspector appointed under the provisions of Division 4 of the Agricultural Code shall accept any compensation, directly or indirectly, for any advice rendered to any dairyman, nor shall any such inspector be the agent for, or be interested in, any firm or corporation selling or handling any supplies used by dairymen and milk products plants, nor shall he be employed by or connected with any dairy farm or milk products plant.*†

601. Inspection. Inspection shall consist of laboratory examinations of the products and adequate supervision of the equipment and methods of the various producers and distributors.*†

602. Samples of retail milk and cream for bacteriological examination shall be taken in original containers direct from delivery wagons, dairies, milk plants, or other places of business at least once every one-half month at irregular intervals and without previous notice to any producer or distributor. Samples of retail milk and cream for chemical examination shall be taken in original containers direct from delivery wagons, dairies, milk plants, or other places of business at least once each month at irregular intervals and without previous notice to any producer or distributor. Additional samples of milk and cream retailed at stores, etc., shall be taken as frequently as conditions will permit. Samples shall be taken from stores in all cases where complaint is made regarding the condition of same. Special attention shall be directed to the temperature at which store samples are kept. Samples of wholesale milk for bacteriological examination shall be taken at least once a month. Whenever possible these samples shall be taken at time of arrival at the milk plant. The term "wholesale milk" is construed to mean milk from a producer who sells his product to a distributor and shall not be construed to include the wholesaler of the finished product, to restaurants, stores, bakeries, etc. All milk and cream samples shall be kept at a temperature below 50 degrees Fahrenheit until plated. Laboratory technique shall be in accordance with the "Standard Methods for the Examination of Dairy Products," by the American Public Health Association.*†

*† For statutory and source citations, see note to § 400.

603. Dairy farms shall be inspected at least six times a year. Pasteurizing plants shall be inspected at least once every one-half month. Plants of producer-distributors of raw milk shall be inspected at least once each month. Visits of inspectors shall be unannounced and at irregular intervals. Pasteurizing equipment shall be given special attention and recording thermometers tested for accuracy at least once every one-half month.*†

604. All persons engaged in handling milk or cream, either before or after pasteurization, shall be required to exercise scrupulous cleanliness and must not harbor the germs of typhoid fever, tuberculosis, diphtheria, or other communicable diseases liable to be conveyed through the milk or cream. Absence of such communicable disease may be determined by cultures, and physical examination to the satisfaction of the local health officer or milk inspection service.*†

605. Each dairy or distributor, as the case may be, of mlk and cream shall be kept informed of the results of the laboratory examination of their individual products when such results indicate the product fails to comply with legal standards. On the basis of these determinations the inspection service shall issue written authorization to each person or concern who desires to sell milk under its jurisdiction; provided, that authorization may be revoked in every case when the product of any person or concern does not consistently meet the requirements of the Agricultural Code or the Rules and Regulations for its enforcement.*†

606. Permits issued in accordance with Section 501 of the Agricultural Code expire at the end of each calendar year but may be revoked, suspended, or cancelled for cause. Whenever a producer's milk is excluded from the market such permit is automatically cancelled and such producer must surrender the permit to the inspection service from which it was obtained.*†

607. In case an official plate count exceeding the legal standard is obtained from a producer delivering milk or cream at wholesale in bulk to a distributor or on a retail sample of milk or cream from a distributor, the milk inspection service shall make at least two recounts within a period of two weeks in addition to the routine milk or cream examination, whereupon, if a count is high and the average count obtained during the two weeks' period exclusive of the initial count, based on the logarithmic average, exceeds that established by the Agricultural Code, such milk or cream may be degraded, or, at the option of the milk inspection service, excluded from the local market as market milk or cream. Whenever the product has been degraded, or excluded from the local market by this procedure, such product shall not be reestablished at its previous standing until at least two recounts have been taken indicating that it is again in conformity with legal requirements. The first recount must be taken within five days of the date of degrading or exclusion from the market or sooner; the second recount to follow immediately.*†

608. All publications or public statements relating to the quality of milk or cream, or the condition of dairies or milk plants, shall be

*† For statutory and source citations, see note to §400.

expressed in terms of percentage, 100 per cent being considered perfect. In rating milk or cream this percentage shall be based upon an average of results obtained by the examination of at least four samples taken at intervals of at least a week. The method used for computing milk scores for publication shall be approved by the Department of Agriculture of the State of California.

TABLE TO BE USED IN COMPUTING LOGARITHMIC AVERAGES OF BACTERIAL COUNTS

609. Table.

Counts	Logarithms	Counts	Logarithms	Counts	Logarithms	Counts	Logarithms	Counts	Logarithms
1,000	3.00	61,000	4.79	310,000	5.49	910,000	5.96	6,100,000	6.79
2,000	3.30	62,000	4.79	320,000	5.51	920,000	5.96	6,200,000	6.79
3,000	3.48	63,000	4.80	330,000	5.52	930,000	5.97	6,300,000	6.80
4,000	3.60	64,000	4.81	340,000	5.53	940,000	5.97	6,400,000	6:81
5,000	3.70	65,000	4.81	350,000	5.54	950,000	5.98	6,500,000	6.81
6,000	3.78	66,000	4.82	360,000	5.56	960,000	5.98	6,600,000	6.82
7,000	3.85	67,000	4.83	370,000	5.57	970,000	5.99	6,700,000	6.83
8,000	3.90	68,000	4.83	380,000	5.58	980,000	5.99	6,800,000	6.83
9,000	3.95	69,000	4.84	390,000	5.59	990,000	5.99	6,900,000	6.84
10,000	4.00	70,000	4.85	400,000	5.60	1,000,000	6.00	7,000,000	6.85
11,000	4.04	71,000	4.85	410,000	5.61	1,100,000	6.04	7,100,000	6.85
12,000	4.08	72,000	4.86	420,000	5.62	1,200,000	6.08	7,200,000	6.86
13,000	4.11	73,000	4.86	430,000	5.63	1,300,000	6.11	7,300,000	6.86
14,000	4.15	74,000	4.87	440,000	5.64	1,400,000	6.15	7,400,000	6.87
15,000	4.18	75,000	4.88	450,000	5.65	1,500,000	6.18	7,500,000	6.88
16,000	4.20	76,000	4.88	460,000	5.66	1,600,000	6.20	7,600,000	6.88
17,000	4.23	77,000	4.89	470,000	5.67	1,700,000	6.23	7,700,000	6.89
18,000	4.26	78,000	4.89	480,000	5.68	1,800,000	6.26	7,800,000	6.89
19,000	4.28	79,000	4.90	490,000	5.69	1,900,000	6.28	7,900,000	6.90
20,000	4.30	80,000	4.90	500,000	5.70	2,000,000	6.30	8,000,000	6.90
21,000	4.32	81,000	4.91	510,000	5.71	2,100,000	6.32	8,100,000	6.91
22,000	4.34	82,000	4.91	520,000	5.72	2,200,000	6.34	8,200,000	6.91
23,000	4.36	83,000	4.92	530,000	5.72	2,300,000	6.36	8,300,000	6.92
24,000	4.38	84,000	4.92	540,000	5.73	2,400,000	6.38	8,400,000	6.92
25,000	4.40	85,000	4.93	550,000	5.74	2,500,000	6.40	8,500,000	6.93
26,000	4.42	86,000	4.93	560,000	5.75	2,600,000	6.42	8,600,000	6.93
27,000	4.43	87,000	4.94	570,000	5.76	2,700,000	6.43	8,700,000	6.94
28,000	4.45	88,000	4.94	580,000	5.76	2,800,000	6.45	8,800,000	6.94
29,000	4.46	89,000	4.95	590,000	5.77	2,900,000	6.46	8,900,000	6.95
30,000	4.48	90,000	4.95	600,000	5.78	3,000,000	6.48	9,000,000	6.95
31,000	4.49	91,000	4.96	610,000	5.79	3,100,000	6.49	9,100,000	6.96
32,000	4.51	92,000	4.96	620,000	5.79	3,200,000	6.51	9,200,000	6.96
33,000	4.52	93,000	4.97	630,000	5.80	3,300,000	6.52	9,300,000	6.97
34,000	4.53	94,000	4.97	640,000	5.81	3,400,000	6.53	9,400,000	6.97
35,000	4.54	95,000	4.98	650,000	5.81	3,500,000	6.54	9,500,000	6.98
36,000	4.56	96,000	4.98	660,000	5.82	3,600,000	6.56	9,600,000	6.98
37,000	4.57	97,000	4.99	670,000	5.83	3,700,000	6.57	9,700,000	6.99
38,000	4.58	98,000	4.99	680,000	5.83	3,800,000	6.58	9,800,000	6.99
39,000	4.59	99,000	4.99	690,000	5.84	3,900,000	6.59	9,900,000	6.99
40,000	4.60	100,000	5.00	700,000	5.85	4,000,000	6.60	10,000,000	7.00
41,000	4.61	110,000	5.04	710,000	5.85	4,100,000	6.61	11,000,000	7.04
42,000	4.62	120,000	5.08	720,000	5.86	4,200,000	6.62	12,000,000	7.08
43,000	4.62	130,000	5.11	730,000	5.86	4,300,000	6.63	13,000,000	7.11
44,000	4.64	140,000	5.15	740,000	5.87	4,400,000	6.64	14,000,000	7.15
45,000	4.65	150,000	5.18	750,000	5.88	4,500,000	6.65	15,000,000	7.18
46,000	4.66	160,000	5.20	760,000	5.88	4,600,000	6.66	16,000,000	7.20
47,000	4.67	170,000	5.23	770,000	5.89	4,700,000	6.67	17,000,000	7.23
48,000	4.68	180,000	5.26	780,000	5.89	4,800,000	6.68	18,000,000	7.26
49,000	4.69	190,000	5.28	790,000	5.90	4,900,000	6.69	19,000,000	7.28
50,000	4.70	200,000	5.30	800,000	5.90	5,000,000	6.70	20,000,000	7.30
51,000	4.71	210,000	5.32	810,000	5.91	5,100,000	6.71	30,000,000	7.48
52,000	4.72	220,000	5.34	820,000	5.91	5,200,000	6.72	40,000,000	7.60
53,000	4.72	230,000	5.36	830,000	5.92	5,300,000	6.72	50,000,000	7.70
54,000	4.73	240,000	5.38	840,000	5.92	5,400,000	6.73	60,000,000	7.78
55,000	4.74	250,000	5.40	850,000	5.93	5,500,000	6.74	70,000,000	7.85
56,000	4.75	260,000	5.42	860,000	5.93	5,600,000	6.75	80,000,000	7.90
57,000	4.76	270,000	5.43	870,000	5.94	5,700,000	6.76	90,000,000	7.95
58,000	4.76	280,000	5.45	880,000	5.94	5,800,000	6.76	100,000,000	8.00
59,000	4.77	290,000	5.46	890,000	5.95	5,900,000	6.77	200,000,000	8.30
60,000	4.78	300,000	5.48	900,000	5.95	6,000,000	6.78	300,000,000	8.48

*†

*† For statutory and source citations, see note to §400.

610. Standards. Market milk and cream shall be delivered in sterile containers and the standards shall be those established by the Agricultural Code, and in addition the following maximum temperatures with respect to cooling:

(a) Grade "A" milk for pasteurization must be cooled immediately after being drawn from the cow to a temperature of 55 degrees Fahrenheit or below and so maintained until delivered to the plant. After pasteurization, milk must be cooled to a temperature of 50 degrees Fahrenheit or below, and so maintained until delivery to the consumer.

(b) Grade "A" milk produced for pasteurized market cream purposes or for pasteurized market milk need not be cooled to a temperature of 55 degrees Fahrenheit or below when such milk is delivered to the plant within four hours after production and, provided, further, that such milk complies with the bacterial standards adopted for that grade or class of milk.*†

611. Labeling. Graded market milk must be labeled to give the following information:

(a) Name of product, using one of the following legal terms to correctly define the grade:

Certified Raw Milk
Certified Pasteurized Milk
Guaranteed Raw Milk
Guaranteed Pasteurized Milk
Grade "A" Pasteurized Milk
Grade "A" Raw Milk

(b) Name of producer or original bottler.

(c) Address of producer or original bottler.*†

612. Ungraded milk must be labeled to give the following information:

(a) Name of product, using one of the following legal terms to correctly define it:

Market Milk Raw
Market Milk Pasteurized

(b) Name of producer or original bottler.

(c) Address of producer or original bottler.*†

613. Special designating words such as "Inspected Milk," "Extra Quality Milk," "Purity Guaranteed," "Special Baby Milk," etc., must not be used.*†

614. Breed designations may be used in the labeling of market milk, provided, all individual animals producing such milk are indistinguishable in appearance from a purebred animal of the same breed.*†

615. Examinations. In accordance with the provisions of Section 484 (a) of the Agricultural Code any regularly licensed physician is approved to conduct physical examination of persons coming in contact with Grade "A" raw milk.*†

616. Such physical examination shall include:

(a) Chest examination for tuberculosis with X-ray when indicated by chest findings.

*† For statutory and source citations, see note to §400.

(b) Examination of skin for communicable diseases and any open lesions, etc.

(c) General Cleanliness.*†

617. The laboratory examination shall consist of the following:

(a) Nose and throat cultures for diphtheria and streptococcus.

(b) Sputum for tuberculosis.

(c) Feces and urine for the typhoid-paratyphoid-dysentery group.*†

618. All persons coming in contact with Grade "A" raw milk, or Grade "A" raw cream, who, through the provisions of Section 484 of the Agricultural Code are subject to the physical and laboratory examinations, may be physically examined by their own physician and may go to the nearest laboratory for the laboratory examinations. Bacteriological examinations must be made by a laboratory approved by the State Board of Public Health.*†

619. Any person who resides at a great distance from an approved laboratory may have specimens for examination forwarded to the nearest laboratory by the physician giving the physical examination.*†

620. Miscellaneous. Each heat sterilizer used at market milk dairies and market milk plants for the sterilization of equipment and apparatus shall be equipped with a thermometer of satisfactory construction and equipped with a metal or other suitable rack. Such thermometer shall be permanently installed on the cabinet or chamber in a manner and place which will show the true temperature and shall be accessible.*†

621. Udders and flanks of all cows producing market milk shall be properly clipped at least twice a year or oftener if in the judgment of the inspector it is deemed necessary.*†

622. In existing hay mow type of barns or barns used for the storage of feeds, the milking section shall be properly partitioned off from the feed storage space. Hay may be fed during the milking period if placed in the manger at least 30 minutes before the cows are turned into the barn or milking shed.*†

623. The reference to mechanical capping in Section 476(b) of the Agricultural Code, is construed to mean that bottle caps must be applied to bottles by mechanical means as well as said bottles being capped by mechanical means. Application of caps to milk bottles by hand is not considered to be by mechanical means and is therefore prohibited.*†

624. The provision contained in Section 476(b) of the Agricultural Code, relating to the transfer of market milk or buttermilk from one receptacle to another except in a milk room is not construed to apply to market milk or buttermilk when such products are consumed on the premises where sold.*†

625. Filter cotton or single service strainer cloths shall at all times be kept in containers that will afford proper protection. The containers shall be constructed so as to permit dispensing the filters with a minimum amount of contact by human hands.*†

*† For statutory and source citations, see note to §400.

626. Market milk dairies discontinuing the production of market milk can not be classified as new dairies when market milk production is resumed, if buildings on such dairies were constructed since August 27, 1937. Market milk dairies shipping market milk or market cream to a certain city or locality are not to be construed as new dairies when the product is diverted to another city or locality.*†

Article 22. Permanent Market Milk Dairy Buildings

645. Permanent Market Milk Dairy Buildings. In accordance with the provisions of Section 498 of the Agricultural Code the following Rules and Regulations relating to the construction of dairy buildings have been established herein below by the Director; except that any deviations from the minimum requirements thereof and of the plans and specifications shall not be made until approved by the Director.*†

646. Site. The milking barn and milk house shall be located in a desirable place away from any contaminating surroundings.

Ample elevation shall be provided to permit carrying sewage away from the structures for at least 50 feet from the milking barn and at least 100 feet from the milk house. In case natural drainage is not available, the site shall be properly graded so the low point of floor levels will be at least 15 inches above the surrounding ground level.

The milk house shall be located to the windward of milking barn, corrals, feed sheds, etc., whenever possible.*†

647. Corrals. Corrals shall not be located closer than 25 feet from the milking barn nor closer than 50 feet from the milk house and shall be properly graded and drained.

Feed racks, calf, bull, hog, and chicken pens, horse stables, horse corrals and shelter sheds, shall not be located closer than 100 feet from the milk house or 50 feet from the milking barn.*†

Milk House

648. Milk House. The milk house shall not be less than six feet nor more than 15 feet from the milking barn, and may be under the same roof (extended) as the milking barn. It shall contain at least two rooms; first, the milk room which shall be used for cooling and handling milk; second, the wash room for cleaning, washing, and sterilizing milk handling utensils and equipment. Boiler, milking machine motor, etc., shall not be located in milk room. Boilers or heaters that emit smoke, soot, oil, or objectionable odor shall not be permitted in the wash room. Compressors shall not be installed in the milk room or wash room.

(a) **Receiving Tank and Pouring Platform.** The receiving tank shall be located on the outside wall of the milk room. The wall behind the pouring platform shall be of smooth cement plaster as shown in the blue prints. The platform and steps shall be of concrete, masonry, or steel construction, properly installed to eliminate all corners and pockets difficult to clean. A rustless pipe with appropriate flanges or other rustless metal shall be placed in the wall at the necessary height to carry the milk conductor pipe. The hole in the wall used for the conductor pipe shall be equipped with an outside swinging shutter to

*† For statutory and source citations, see note to §400.

exclude flies. The pouring platform shall be provided with an adequate roof with the underside smoothly finished. Where the roof over the pouring platform is part of the extended barn roof, it shall be equipped with satisfactory ventilation. When stationary windows are installed in the wall behind the pouring platform, they are to be installed in metal sash, cement plastered to the glass.

(b) **Floors.** The floors shall be constructed of concrete at least four inches thick and shall be trowelled smooth and true, or of other suitable material approved by the Department, and shall positively drain to the outlets. A cove of two-inch radius is required at meeting point of floor and walls. A sand cushion of at least six inches shall be placed under concrete floor on soil other than sandy loam. On heavy soils or heavy fills where shifting of soil is probable the floor and walls shall be properly reinforced with steel.

(c) **Walls and Ceilings.** (1) The inside walls, partitions, and ceilings shall be constructed of concrete, masonry, or cement plaster and shall have a smooth finish. All walls shall be of concrete or masonry to a height of not less than three feet above the floor.

(2) Main ceiling height shall be nine feet from the floor. Where necessary, because of roof construction, ceiling may follow rafters down to the plate which low point, however, shall not be less than seven feet three inches above the floor.

(d) **Doors and Windows.** Each room of the milk house shall have at least one window, with the total window area in each amounting to one-tenth of the floor area. Window screens shall be standard 16 mesh, and shall be on removable frames mounted to open outward.

Exterior doors to the milk house may be one of two types:

(1) Combination doors with alternate glass and screen panels above and solid wood panels below or doors with solid sash and panels, doors hinged to open outward; or

(2) Solid sash and panel doors used in conjunction with a standard screen door, screen door to open outward. A door shall be installed between the milk room and the wash room, hinged to swing into the latter. Wooden door jambs or frames shall stop six inches above the floor, and the concrete floor cove shall be extended to fill the opening.

(e) **Ventilation.** At least one wall ventilator shall be installed horizontally not more than six inches nor less than three inches above the floor in both the milk room and wash room. The ventilators shall be of a size that will provide one square inch of ventilation for each square foot of floor space for each room. Wooden forms should be removed from the opening, and metal jambs should be used for the screen. The bottom surface of the opening shall slope down toward the floor. Removable screens shall be installed on these ventilators and removable shutters may be installed when deemed necessary. Ceiling vents leading to roof ventilators shall be required in both milk room and wash room. These vents shall be shafted through to the roof ventilators. These shall be

*† For statutory and source citations, see note to §400.

at least 24 inches by 24 inches inside and may be equipped with removable fly escapes. Roof ventilators shall be of a size and height to properly ventilate the room. These must exclude dust, rain, birds, trash, etc.

(f) **Drainage.** Drainage from the milk house may be through the wall or under the door in the wash room to the gutter in the barn, or it may be by-passed around the barn and connected with the barn drain. If floor drains are used, they shall be screened to exclude trash, have a satisfactory water trap, and contain a clean-out plug to the sewer. If desired, the milk house drainage may be independent of the barn drainage. When closed sewers extend for more than 25 feet from the milk house they shall be vented just outside the exterior wall with a vertical stock extending through the roof.

(g) **Painting.** All inside woodwork must be properly painted with a light colored waterproof paint.

(h) **Refrigeration.** Equipment to satisfactorily cool market milk shall be provided. When refrigeration boxes are installed, they shall not extend into the milk room to the extent of jeopardizing working space. Built-in refrigeration boxes protruding into the wash room or milk room shall continue the wall construction specified for those rooms.*†

MILKING BARN

658. (a) **Size.** A milking barn of adequate size shall be provided for all dairies producing market milk or cream.

(b) **Stalls.** The stall or standing platform shall not be less than three feet wide for each cow and shall be from four feet 10 inches to five feet from stanchion line to gutter, depending on size of the cattle. Where stanchions are not used, the platform shall be seven feet long.

When the herd is milked in units it is satisfactory to provide one stall for each four or five cows in the herd. With the walk-through design, when concentrates are not fed during the milking period, this limit may be increased to 12 or more cows per stall.

The milking barn shall have at least 400 cubic feet of air space and at least three square feet of window space with or without glass for each stall.

(c) **Alleys.** The litter alley exclusive of gutter shall be not less than four feet nine inches wide behind a single string of cows. In two-string, head-out barns the litter alley shall be at least eight feet wide between gutters.

The feed alley in single and two-string, head-out barns shall be a minimum distance of five feet nine inches wide between stanchion line and wall. In two-string, head-in barns a minimum of 10 feet between stanchions is required.

In the walk-through barn, the alley in front of the cows shall be at least four feet nine inches wide.

(d) **Gutters.** In all barns a trench gutter is required. It shall be not less than 14 inches wide and four inches deep, sloping one-half inch across its bottom to the litter alley, and shall have a uniform depth for its entire length.

*† For statutory and source citations, see note to §400.

(e) **Curbs, Stanchions, and Mangers.** The curb shall be at least six inches thick, and 12 inches high from the stall floor. The corners shall be rounded off. Steel stanchions or surfaced wood stanchions may be used. The lower horizontal member shall be at least two inches above the stanchion curb. Stanchion posts shall be anchored to top of curb by U-shaped strap iron anchors or equivalent; a wood sill is prohibited. The mangers shall have a minimum width of two feet three inches with a back wall at least as high as the curb. Sharp corners shall not be permitted. The mangers shall have a low point eight inches out from the curb and at least three inches above standing platform. A true lengthwise slope must be provided and a drain at least three inches in diameter installed at low end for easy cleaning.

(f) **Floor Slope and Finish.** The entire floor, including the alleys, gutters, mangers, and curbs, shall slope lengthwise one inch in each 10 feet. The standing platform and litter alley shall be of concrete at least four inches thick and shall slope one inch toward the gutter. The mangers and curbs shall be finished smooth with a steel trowel. The standing platform, litter alley, feed alley, and gutter shall be given a true, even surface with a wood float. To eliminate being too slippery, the standing platform and litter alleys shall be finished with a stiff rattan barn broom, or other suitable instrument, drawn in the direction of slope. A sand cushion of at least six inches shall be placed under floor on soil other than sandy loam. On heavy soils or heavy fills where shifting of soil is probable the floor and walls shall be properly reinforced with steel.

(g) **Walls.** All lower walls shall be of masonry or reinforced concrete and those along standing platforms or litter alleys shall be at least three feet six inches in height above the floor. Such walls shall be finished smooth on the inside with the top ledge on open walls rounded.

(h) **Ventilators.** Adequate ventilation shall be provided for the milking barn.

(i) **Barn Doors.** The lower half of barn doors shall be properly covered with tight-fitting galvanized iron or other suitable metal.

(j) **Wash Sink.** A stationary hand wash basin connected with the water supply piping shall be provided convenient to the line of travel between the barn and pouring platform.

(k) **Painting.** Only waterproof paints or oils shall be used in the barn.

(*l*) **Drainage From Roofs.** Under no circumstances shall rain water from roofs be allowed to drain into corrals.

(m) **Ramp and Holding Corral.** A concrete ramp or platform shall be constructed outside the herd entrance and exit door. A paved alley or holding corral adjacent to the barn is permitted. Satisfactory drainage from such areas shall be provided.

(n) **Feed Storage Rooms.** If feed is fed in milking barn an adequate feed room must be provided.

Grain and feed storage rooms shall be properly partitioned off from the milking barn proper, and shall be fly and rodent proof.

*† For statutory and source citations, see note to §400.

The feed storage room shall be located on the end of the milking barn opposite the milk house. In the event that it is separated from the milking barn, it shall be located at least 25 feet from the milk house.

(o) **Toilets.** Each dairy shall be provided with adequate toilet facilities. Each toilet shall be of a sanitary type, properly flyproofed and accessible and convenient. The waste shall be inaccessible to flies and shall not pollute the surface soil or contaminate any water supply.*†

Article 23. Evaporated and Dried Milk. Federal Standards.

675. Evaporated and Dried Milk. Federal Standards. In accordance with the requirements of Sections 553, 555, and 556 of the Agricultural Code, standards of composition have been fixed for certain products as follows:

(a) Evaporated milk (unsweetened) shall contain not less than 7.82 per cent of milk fat, nor less than 25.6 per cent of total milk solids. If

*† For statutory and source citations, see note to §400.

sweetened, it shall contain not less than 27.25 per cent of total milk solids, and not less than 8.32 per cent of milk fat.

(b) Dried milk shall contain not less than 26 per cent of milk fat and not more than 5 per cent of moisture.

(c) Dried skim milk shall contain not more than 5 per cent of moisture.*†

676. In accordance with the provisions of Section 551 of the Agricultural Code, the method of analysis and the dimension of apparatus used for the determination of Reichert-Meissl number shall conform in all details to those described in the most recent issue of official and tentative methods of analyses of the Association of Official Agricultural Chemists.*†

Article 24. Pasteurization of By-Products

681. Pasteurization of By-Products. Milk or milk by-products, to be returned to farms for feeding purposes, must be heated to a temperature of 185 degrees Fahrenheit, or above, as required by the provisions of Section 637, of the Agricultural Code. This may be accomplished by the direct injection of steam into the vat containing such milk or milk by-product, without the use of a recording thermometer to indicate the temperature, upon receipt of special written permit from the Department of Agriculture; provided, that such permit shall be revocable if at any time it be found upon investigation that such product is returned to the farms without actually bringing it to the required temperature, as hereinabove specified.*†

Article 25. Butter Grades

686. Butter Grades. In accordance with Section 527 of the Agricultural Code, quality designations are to be affixed on butter packages as follows:

(a) On quarter-pound, half-pound, one-pound and two-pound butter wrappers, the quality designations shall appear on the lower side panel. No other printing shall appear on the lower side panel, except designs which have been approved by the Department, which designs shall in no case overlap or interfere with the legibility of said quality designations. On continuous design machine wrappers, the quality designation need not appear on the lower side panel but at least two full quality designations shall appear on each wrapper. The quality designations on quarter-pound and half-pound wrappers are required to appear in 12-point type in caps for the letters and 24-point type for the numerals. On one- and two-pound wrappers the 24-point type in caps is to be used for the letters and 48-point type for the numerals. When butter is packaged in any other than quarter-pound, half-pound, one- or two-pound prints the size of type to be used for quality designation on such packages shall be approved by the Department.

(b) The quality designation must be spelled out with no abbreviations being permitted. The terms to be used are as follows: "1 First

*† For statutory and source citations, see note to §400.

Quality 1,''—''2 Second Quality 2,''—''3 Third Quality 3,'' and ''4 Fourth Quality 4.''

(c) On butter cartons, the quality designation must appear on the two end panels with nothing else appearing thereon, except that the name of the manufacturer or the brand of the butter may appear. The same terms appearing on the wrapper shall be used, except that the words ''First Quality,'' et cetera, are to appear in the following arrangement:

FIRST QUALITY } The numerals shall also appear on each side of the end panel.

(d) On the half-pound and one-pound carton, the numerals shall be three-fourths of an inch in height and the lettering one-fourth of an inch in height. On the two-pound cartons, the numerals shall be one and one-fourth inches in height and the lettering one-half inch in height.

(e) When the name of the manufacturer or the name of the brand of butter appears in connection with quality designations, they shall be in letters not larger than half the size of the type used for quality designations.

(f) Quality designations are to be of the same color used for the manufacturer's name or butter brand except where otherwise approved in writing by the Department. Yellow and similar colors are not to be used for quality designations.

(g) In accordance with the provisions of Section 526 of the Agricultural Code, all scoring of butter shall be in the manner outlined in the handbook of ''Official United States Standards for Quality of Creamery Butter,'' copies of which are available upon request.

(h) When the terms ''United States Grade'' or ''United States Score'' are used in connection with quality grades or numerical score, the butter shall have been graded or scored by a representative of the United States Department of Agriculture.*†

Article 26. Factory Floor Drains

691. Factory Floor Drains. In accordance with the requirements of Section 644 of the Agricultural Code, floor drains or sewage drains with exposed pipes within any product processing or packaging room or any room where processing or clean packaging equipment is handled or kept, shall be constructed of leak-proof screw-joint pipes (Drainage Fittings), or all joints shall be completely enclosed with a metal sheeting sloped sufficiently toward an outlet in the sheathing at floor level to readily detect leakage in the drainage or sewer pipe, and shall be of such construction as to permit removal of the sheathing for repairing any leakage that might occur in the drainage or sewer pipe line.*†

*† For statutory and source citations, see note to §400.

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SUBCHAPTER 4. POSTWAR PUBLIC WORKS REVIEW BOARD

Revised and Adopted October 19, 1945

Article
1. Definitions.
2. General Provisions.
3. Applications for Allotment for Preparation of Plans
4. Final Completed Plans, Specifications and Estimates.
5. Procedure for Filing Claims for Plans Preparation Reimbursement. (After application has been approved).
6. Requests for Allotment of State Funds for Acquisition of Rights-of-way and Sites—Application for Payment After Approval of Request.
7. Appendix, Sample Forms to be Used.

Article 1. Definitions

1550. All terms defined by Chapter 47, Statutes of 1944, Fourth Extraordinary Session, shall for the purpose of these rules be deemed to be used with the same force and effect as in said act except as expressely modified herein.

NOTE.—§§1550 to 1614, inclusive, issued under the authority contained in Section 5(b) of Chapter 47, Statutes 1944, Fourth Extraordinary Session. The source of §§1550 to 1614, inclusive, is the Rules and Regulations, Postwar Public Works Review Board.

1551. "Act" as used in these rules and regulations has reference to Chapter 47, Statutes of 1944 (Fourth Extraordinary Session), and any amendments thereto.*†

1552. Subject to the provisions of the act, the following terms are defined as follows:

(a) **"Application"** (for Plan Preparation Reimbursement for Public Works Project) or "Request" (for Acquisition Aid for Right-of-Way or Site). Forms supplied by Director of Finance properly completed and signed by the authorized agent on behalf of a local agency, together with such resolutions, plans, specifications and information as may be required to accompany said forms.

(b) **"Authorized Agent."** The individual appointed and authorized by resolution or ordinance of the local agency to represent the local agency in all matters pertaining to the act other than those requiring action by the governing body.

(c) **"Board."** The Postwar Public Works Review Board as created by the act.

(d) **"Field Surveys."** Investigations, surveys and reports essential to:

(1) Preparation of plans and specifications;

(2) Estimates of cost;

(3) Acquisition of rights-of-way and sites.

(e) **"Local Agency."** Any county, city and county or city of the State, or an assignee of a local agency under Section 29 of the act.

*† For statutory and source citations, see note to §1550.

(f) **"Plans."** Engineering field surveys and engineering or architectural designs, working and detailed drawings, specifications, and detailed estimates of construction costs based thereon.

(g) **"Specific Project."** Includes new construction, modification and alterations (but does not include ordinary repair and maintenance) of public buildings, highways, streets, bridges and other street and highway structures, and publicly owned and operated facilities, including but not limited to sewage treatment and disposal plants and sanitary facilities, airports, and existing water supply systems, proposed to be undertaken by local agencies in accordance with the purposes of this act. Except as to public utilities specifically mentioned in this subdivision, "specific project" does not include the construction, acquisition, extension of or addition to public utilities as defined in the Public Utilities Act. A specific project may include a group of related items which are included in one set of plans and specifications.*†

Article 2. General Provisions

1558. All applications or requests for allotments under the act shall be addressed to and filed with the Director of Finance, State Capitol, Sacramento, California. As to any applications or requests received by the director which require consideration, action or approval by the board, he shall present the same to the board.*†

1559. Plans, maps, plats, specifications and estimates to be prepared under the act for a specific project shall be in accordance with the best standards of practice of the profession or professions involved, viz., the American Institute of Architects, the American Society of Civil Engineers, the American Society of Mechanical Engineers, etc.*†

1560. All applicable laws and regulations concerning (a) plans and construction of a specific project or (b) the acquisition of rights-of-way or sites, shall be observed.*†

1561. Each application for plans preparation or request for an allotment for acquisition aid for rights-of-way or sites must be fully completed and must be accompanied by a complete list or statement of local agency's postwar public works program and arranged, if possible, in order of the relative importance of each of the projects included within the program.*†

1562. Upon request of the board, the Director of Finance or the State Controller, local agency shall supply progress reports and such other information as may be required from time to time in administering the provisions of the act.*†

1563. All payments to be made by the State, in paying its share of the cost of an acquisition or of plans, will be made in the name of local agency.*†

1564. Under extraordinary circumstances and where there is a special State interest, if local agency desires to apply to the board, under Section 25.3 of the act, requesting that more than one-half of the cost

*† For statutory and source citations, see note to §1550.

SUBCHAPTER 3. DIVISION OF FAIRS AND EXPOSITIONS

Rules and Regulations have been filed with the Secretary of State.

FISH AND GAME

Revision Record for Register No. 4, dated July 15, 1946, since Register No. 3, dated May 15, 1946.

It is important that the holder of the Rules and Regulations of the Fish and Game Commission check the numbers below with the numbers of amendments or additions when the latter have been incorporated in the book of rules and regulations and the old pages removed.

Section	Sections Deleted	
1 (p)	264	330–335
250	271	345
270 (a-1)	272	400
400	300	402
600	310	403
711	311	

SUBCHAPTER 2. VETERANS' DEPENDENT EDUCATIONAL ASSISTANCE

Section
350. Eligibility
351. Residence
352. Preliminary Application
353. Recording Discharge and Verification
354. Receipt and Filing of Preliminary Application
355. Preference
356. Attendance Requirements
357. Payment, When and to Whom Made
358. Public Officers, Duty to Assist Veterans
NOTE.—Application Blank, Where Furnished.

RULES, REGULATIONS AND INSTRUCTIONS

350. Eligibility. To be eligible, the applicant must qualify as a "veteran" as defined under Section 980, Article 1, Chapter 6, Division 4, of the Military and Veterans Code.

NOTE.—* §§350 to 359, inclusive, issued under authority contained in Sec. 700, Military and Veterans Code.
† Source of §§350 to 358, inclusive, is the Regulations, Veterans' Welfare Board, California Veterans' Educational Institute.

351. Residence. In determining the bona fide residence of an applicant at the date of enlistment the board will apply the rules set forth in Sections 243 and 244 of the Government Code of the State of California.*†

352. Preliminary application. Any individual deeming himself a "veteran" and wishing to benefit under the California Veterans Educational Institute shall submit and file such information as will enable the board to determine his eligibility, qualifications and ability. This information shall be furnished in writing by replying to all questions on the preliminary application form, Educational Form No. 1, 1943.*†

353. Recording discharge and verification. The discharge should be recorded by the county recorder and a copy of same made on the application by the recorder. The application must be sworn to before anyone authorized to administer oaths.*†

354. Receipt and filing of preliminary application. When a preliminary application is received it is dated and an acknowledgment post card mailed to the applicant giving the number assigned to the application. All applications are filed in numerical sequence which denotes the order of receipt, and considered in the same order.*†

355. Preference. All other elements being equal preference shall be given to the applicant not receiving, or able to receive, assistance from parents or relatives.

All other elements being equal preference shall be given to the applicant not having sufficient means with which to provide for his own education.

All other elements being equal preference shall be given to the applicant residing within the borders of the State of California at the time of making application. A temporary absence from the State for purposes of necessity, business or pleasure shall not be held to nullify his residence within the State.

*† For statutory and source citations, see note to §350.

Any veteran subsequent to discharge or release from the Service who has been given aid for educational purposes by the United States Government or any other State or country or who has received extra compensation or financial aid under the provisions of law of any other State or country shall not be entitled to receive the benefits of this act until all other qualified applicants have been provided for.*†

356. Attendance requirements. The board shall require from each educational institution having wards of the board attending it, a monthly report of the attendance, conduct and educational advancement and standing of each such ward. It shall also report each unexcused absence of any such ward not accounted for by a satisfactory excuse in writing.

Any ward of the board absent for more than two days in any month from the school which he is attending unless such absence be satisfactorily accounted for, shall be subject to having the educational assistance being given him under this act suspended or canceled.*†

357. Payment, when and to whom made. The board shall make payment for tuition and other fees directly to the educational institution attended by the ward.

It shall make no payment for necessary books or supplies until it shall have first authorized in writing the purchase thereof. Payment therefor shall then be made to the person supplying the same to the ward, upon receipt of an itemized statement for such books or supplies from the person entitled to payment, accompanied by written acknowledgment of receipt of such books and supplies by the ward.

Payments on account of living expenses may be made to either the ward or the person providing the same. Such payments shall be made upon the fifteenth day of each month for such expense incurred for or during the preceding month.*†

358. Public officers, duty to assist veterans. Under the provisions of Section 699, Military and Veterans Code, it is provided that it is the duty of State, county and city officials to give desired information on request of this board and to assist the board without charge. In accordance with such provisions request is hereby made that State, county and city officials assist in making out applications, administer the oaths required thereby, issue certificates and furnish information concerning the records of their offices without charge.*†

NOTE.—Application blanks and information may be obtained at any of the board's offices, which are located as follows:

MAIN

BUSINESS AND PROFESSIONS BUILDING, SACRAMENTO 7
1020 N STREET

BRANCHES

417 MONTGOMERY STREET, SAN FRANCISCO 4
364 14TH STREET, OAKLAND 12
110 CALIFORNIA STATE BUILDING, LOS ANGELES 12

*† For statutory and source citations, see note to §350.

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TITLE 12. Military and Veterans Affairs

Chapter 1. Adjutant General (No Rules Filed)
Chapter 2. Veterans Welfare Board

Printed March 22, 1945

Chapter 2. Veterans Welfare Board

Subchapter 1. Farm and Home Purchase
Subchapter 2. Veterans' Dependent Educational Assistance

SUBCHAPTER 1. FARM AND HOME PURCHASES

Sections
300. Eligibility
301. Residence
302. Preliminary Application
303. Recording Discharge and Verification
304. Receipt and Filing of Preliminary Application
305. Preference
306. Personal Interview
307. Selection and Purchase Certificate
308. Selection of Property
309. Financing Construction
310. Approval of Plans and Specifications
311. Property That Will Not Be Purchased
312. Undesirable Property
313. Encumbrances and Liens
314. Application to Purchase
315. Appraisal
316. Methods of Purchase
317. Administrative Charge
318. Initial Payment
319. Purchase of a Home Where the Veteran Does Not Have Equity
320. Purchase Price of Home Where Veteran Holds Equity
321. Fire Insurance
322. Life Insurance
323. Contract
324. Assignment of Contract
325. Renting
326. Public Officers, Duty to Assist Veterans
NOTE.—Application Blanks Where Furnished

300. Eligibility. To be eligible, the applicant must qualify as a "veteran" as defined under Section 980, Article 1, Chapter 6, Division 4, of the Military and Veterans Code, which is as follows:

As used in this chapter, "veteran" means any person who served in the military or naval service of the United States on or after December 7, 1941, and before the termination of hostilities in the present war as determined by proclamation of the President or by concurrent resolution of the Congress, and receives an honorable discharge therefrom or is released from active duty under honorable conditions and who was, at the time of his enlistment, induction, commission, or drafting, a bona fide resident of this State, but does not include:

(a) A person who was separated from such forces under other than honorable conditions at any time after December 7, 1941.

(b) A person who was separated from such forces on account of alienage at any time after December 7, 1941.

(c) A person who performed no military duty whatever or refused to wear the uniform.

(d) A person who has received from another State a bonus, compensation, or benefit, the prerequisite of which is service in such forces, which service is the basis for the claim of benefits under this chapter.

NOTE.—* §§300 to 326, inclusive, issued under authority contained in Sec. 700, Military and Veterans Code.

† Source of §§300 to 326, inclusive, is the Regulations, Veterans' Welfare Board, Farm and Home Purchases.

301. Residence. In determining the bona fide residence of an applicant at the date of enlistment the board will apply the rules set forth in Sections 243 and 244 of the Government Code of the State of California.*†

302. Preliminary application. Any individual deeming himself a "veteran" and wishing to benefit under the act shall submit and file such information as will enable the board to determine his eligibility, qualifications and ability, and preference if any. This information shall be furnished in writing by replying to all questions on the preliminary application form (Farm and Home Purchase Form No. 1), copies of which will be furnished on request.*†

303. Recording discharge and verification. The discharge should be recorded by the county recorder and a copy of same made on the application by the recorder. The application must be sworn to before anyone authorized to administer oaths.*†

304. Receipt and filing of preliminary application. When a preliminary application is received it is dated and an acknowledgment post card mailed to the applicant giving the number assigned to the application. All applications are filed in numerical sequence which denotes the order of receipt, and considered in the same order.*†

305. Preference. Preference shall be given to the "veteran" who was wounded or disabled as a result of his naval or military service.*†

306. Personal interview. When a veteran's application has been tentatively approved, he will be called to appear for a personal interview with a representative of the board, and if he meets the qualifications and requirements will be approved and issued a Selection and Purchase Certificate.*†

307. Selection and Purchase Certificate. The Selection and Purchase Certificate is the veteran's authorization for selecting property of his own choice. The certificate is valid for a period of 90 days, and may be extended at the discretion of the board.*†

308. Selection of property. Great care should be exercised in selecting property as to its desirability, location, construction, age, and cash value. The veteran should assure himself that it will meet his home requirements.*†

309. Financing construction. The board will not finance the construction of houses nor consider the purchase of any property that is under construction or repairs. Should the veteran desire to build according to his own plans and specifications it will be necessary to have the entire deal financed to completion.*†

310. Approval of plans and specifications. The Veterans' Welfare Board will examine plans and specifications of proposed buildings and appraise the land selected for such construction when properly submitted by an approved applicant. If approved, a commitment for purchase upon such terms and in such form as the board may prescribe will be given in cases where said plans and specifications have been prepared and construction is to be supervised by an architect duly licensed in the State of California.*†

*† For statutory and source citations, see note to §300.

(e) **Bond of Insurance Broker** (Section 1644, Insurance Code):

BOND OF INSURANCE BROKER TO THE PEOPLE OF THE STATE OF CALIFORNIA

Premium $_____

WE, _____,
as Principal and Applicant for a California Insurance Broker's License, and_____
_____, as an admitted Surety Insurer, bind ourselves in the penal sum of one thousand dollars ($1,000) to the People of the State of California.

THE CONDITIONS of this obligation are such that if the Principal and Applicant is granted a Broker's License he shall account to any person requesting him to obtain insurance for moneys or premiums collected by him, his solicitors, or his employees, for insurance other than life.

This bond shall take effect as of the date hereof and shall remain in force and effect until the Surety is released from liability by the written order of the Insurance Commissioner, provided that the Surety may cancel this bond and be relieved of further liability hereunder by delivering thirty (30) days' written notice to the Insurance Commissioner. Such cancellation shall not affect any liability incurred or accrued hereunder prior to the termination of said thirty (30) day period.

Dated this_____day of_____, 19___.

Principal

By_____

Surety

By_____

Any Surety Company Duly Authorized to Transact Business in the State of California May Become Surety on This Bond

(f) **Motor Club Bond** (Sections 12190-12192, inclusive, Insurance Code):

BOND

(Motor Club)

Know All Men by These Presents:

That the undersigned, _____, created, organized, and existing under and by virtue of the laws of the State of _____, having its principal office at_____ _____, and selling or furnishing Motor Club Service within the State of California, as Principal, and_____, a corporation, organized and existing under the laws of the State of_____, and authorized to transact the business of suretyship in the State of California, as Surety, are held and firmly bound unto the State of California in the penal sum of one hundred thousand dollars ($100,000), lawful money of the United States, for which payment well and truly to be made, we bind ourselves, our successors and assigns jointly and severally, firmly by these presents.

THE CONDITIONS of this obligation are such:

First: That if said Principal will faithfully conform to all the provisions of the law of the State of California pertaining to the sale and rendering of "Motor Club Service" as defined and provided in Part 5, Division 2 of the Insurance Code of the State of California; and

Second: That if said Principal will promptly pay all fees, fines, and penalties which may be levied against it under authority of law; and

Third: That if said Principal shall faithfully furnish and render to all persons whose applications for membership have been accepted, any and all of the motor club services sold or offered for sale by it;

Then this obligation to be void; otherwise to be and remain in full force and effect.

This bond is applicable to the license period expiring by lapse of time not later than July 1, 19___, and all succeeding license periods for which renewals of Certificate of Authority issued to said Principal are applicable.

IN WITNESS WHEREOF, The Principal hereto has caused its name to be signed and its seal to be affixed by its respective officers thereunto duly authorized, at _____, this_____day of_____19___, and the Surety hereto has caused its name to be signed and its seal to be affixed by its respective officers, or attorney-in-fact, thereunto duly authorized, at_____, California, this _____ day of _____19___.

(Seal) _____
Principal

(Seal) _____
Surety

(All signatures must be acknowledged before a notary public)

(g) **Bond of Officers of Mutual Benefit Assessment Plan Life Insurance Associations** (Section 10701, Insurance Code):

BOND CONDITIONED PURSUANT TO THE PROVISIONS OF SECTION 10701 OF ARTICLE 6, CHAPTER 8, PART 2, OF THE INSURANCE CODE

In consideration of an annual premium computed at an agreed rate,_____ (hereinafter called Surety) hereby agrees to pay unto_____ of_____, California, (hereinafter called Employer), within 90 days after proof of loss as hereinafter set forth, the amount of all direct losses, which any person named in the schedule hereto attached, or added thereto as hereinafter provided (all of the persons so named in or added to said schedule being hereinafter called Employees) may, while in any position and at any location in the service of the Employer, directly or by collusion with others, cause to the Employer, not exceeding, however, the amount hereinafter set forth, for failure to account for funds delivered into his custody through any act of larceny, theft, embezzlement, forgery, misappropriation, wrongful abstraction, wilful misapplication, or any other act of fraud, or dishonesty, committed, if such Employee be named in said schedule, during the term

IN WITNESS WHEREOF, The seal and signature of the said Principal is hereto affixed, and the corporate seal and the name of said Surety is hereto affixed and attested by its duly authorized officers at_____, California, this_____day of _____, 19___.

Principal

Surety

By_____

32. State Board of Cosmetology. (a) **Cosmetological School Bond** (Section 7398, Business and Professions Code):

STATE BOARD OF COSMETOLOGY
591 Business and Professions Building
1020 N Street
Sacramento 14, California

COSMETOLOGICAL SCHOOL BOND

Know All Men by These Presents:

That _____,
whose address is_____,
as Principal, and_____,
a Surety Company authorized to do business in the State of California, as Surety, are held and firmly bound unto the State of California, for the use and benefit thereof and for the use and benefit of every person who pays or deposits any money with the Principal as payment for any instruction in the school of the Principal hereinafter referred to, in the penal sum of_____dollars ($_____), for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION of the above obligation is such that:

WHEREAS, The above bounden Principal has made application to the State Board of Cosmetology of the State of California for a certificate of registration to conduct a cosmetological school at the place named in the application, in accordance with the provisions of Division 3, Chapter 10, of the Business and Professions Code of the State of California, and is required by the provisions of said code to furnish a bond in the sum above conditioned as herein set forth.

NOW, THEREFORE, If the above bounden Principal shall well and truly comply with the provisions of Division 3, Chapter 10, of the Business and Professions Code of the State of California and shall well and truly comply with and faithfully perform all the terms and conditions, upon said Principal's part to be kept or performed, in any and all contracts, verbal or written, made by said Principal, to furnish instruction to any person, then this obligation shall be void; otherwise to remain in full force and effect.

Each and every person who has paid or deposited any money with the said Principal, as payment for any instruction, and who sustains an injury covered by this obligation, may, in addition to any other remedy that he may have, maintain an action in his own name upon this bond for the recovery of any damages sustained by him, together with his costs of suit and a reasonable attorney's fee. The aggregate liability of the Surety herein for all claims which may arise under this obligation shall not exceed the sum specified herein.

The Surety may relieve itself of further liability herein by giving written notice of termination by registered mail addressed to the State Board of Cosmetology at its office in the Business and Professions Building, Sacramento 14, California, and at the same time by giving a similar notice by registered mail to the Principal at the address of the Principal hereinabove set forth, provided that such termination shall not become effective until thirty (30) days after actual receipt of said notice by the State Board of Cosmetology. Termination of this obligation shall not relieve the Surety of any liability incurred or accrued prior to the end of said thirty (30) day period.

This obligation is continuous in form and shall remain in full force and effect and shall run concurrent with the license period of the Principal and for any and all renewals thereof unless terminated or canceled by action of the Surety as herein provided or as provided by law.

The premium for which this bond is written is $_____.

IN WITNESS WHEREOF, The Principal and Surety have hereunto set their hands this_____day of_____, 19___.

Principal

Surety

By_____
Attorney-in-fact

(Signature of Principal and Surety must be acknowledged by a Notary Public)

34. Detective License Bureau. (a) **Detective's License Bond** (Sections 7540-7542, inclusive, Business and Professions Code):

STATE OF CALIFORNIA
DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS

SURETY BOND OF PRIVATE DETECTIVES AND INVESTIGATORS, PRIVATE PATROL, WATCH, ETC.

Know All Men by These Presents:

That we_____, as Principal, and
Name of licensee
_____, as corporation,
Name of surety company
duly organized and doing business under and by virtue of the laws of the State of _____, and authorized to do business in the State of California, and duly licensed for the purpose of making, guaranteeing or becoming sole Surety upon bonds or undertakings required or authorized by the laws of the State of California, as Surety, are held and firmly bound unto the people of the State of California in the sum of two thousand dollars ($2,000), lawful money of the United States of America, for the payment whereof well and truly to be made, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION of the foregoing obligation is such that:

WHEREAS, The above bounden Principal has made application to the Department of Professional and Vocational Standards for a license under Chapter 11 of Division 3 of the Business and Professions Code of the State of California authorizing said Principal to engage in business as a licensee under said Chapter 11 and amendments thereto; and

WHEREAS, Under the terms of said Chapter 11 a surety bond is required of said Principal and good and sufficient Surety, payable to the people of the State of California and conditioned upon the faithful and honest conduct of the business of private detective and investigator by such Principal, and subject to an action for damages on said bond by any person injured by the wilful, malicious or wrongful act of the Principal;

NOW, THEREFORE, If the above bounden Principal shall faithfully and honestly conduct his business as a Private Detective and Investigator and does not injure any person by his wilful, malicious or wrongful act, then this obligation shall be null and void; otherwise to remain in full force and effect.

That said bond shall remain in force and effect until the Surety has terminated future liability after a thirty (30) day notice to the Department of Professional and Vocational Standards.

NOTICE to persons executing this bond

Signatories as Principal should, in the case of individuals, append seal or scroll in every instance.

Signatures and seals of both Principal and Surety should be properly witnessed as called for in the form.

Signatories as Principal should, in the case of corporations, be careful to sign the correct corporate name according to their charter.

Signatures of the Surety Company should be attested, or the bond signed or countersigned, by a resident agent of the State in which the warehouse is located.

This bond is for the current year only and new bond is required annually

(i) **Bond for Cattle Slaughterer** (Section 347, Agricultural Code):

DIVISION OF ANIMAL INDUSTRY

BUREAU OF LIVESTOCK IDENTIFICATION
STATE OF CALIFORNIA
DEPARTMENT OF AGRICULTURE
Sacramento

COMPANY SURETY BOND FOR CATTLE SLAUGHTERER

Know All Men by These Presents:

That _____
Name
_____, as Principal
Post-office address
and _____
a corporation organized under the laws of the State of_____and authorized to transact a General Surety Business in the State of California, as Surety, are held and firmly bound unto the State of California, in the sum of one thousand dollars for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

SEALED With our seals and dated this_____day of_____, 19___.

WHEREAS, The above bounden Principal_____
was duly licensed by the Director of Agriculture, Department of Agriculture, State of California, to carry on a business of slaughtering cattle and selling or offering or exposing for sale any cattle or the meat thereof for the calendar year of 19___;

NOW, THEREFORE, The condition of this obligation is such that if the above bounden Principal during the term of said license and for such other and succeeding license period or periods for which said Principal shall be licensed as Cattle Slaughterer in accordance with the terms of Division 3, Chapter 1, Article 3 of the Agricultural Code of the State of California, and any and all amendments thereto, shall slaughter, sell or expose for sale any cattle, or the meat thereof, first being the owner thereof, or being authorized so to do by the owner, then the above obligation shall be null and void; otherwise to remain in full force and effect; and in case the above bounden Principal shall slaughter any cattle without being the owner, or so authorized by the owner, he shall, in addition to all other statutory penalties, pay therefor double the value of such animal. This bond shall be deemed continuous in form and shall remain in full force and effect throughout all said succeeding license periods unless terminated or canceled in the manner hereinafter provided.

The State of California, by and through the Director of Agriculture, reserves the right, at any time, to terminate this bond (except as to any liability thereunder already incurred or accrued) by a written notice of such termination to the Surety, and thereupon this bond shall terminate and be of no more force or effect, except as to any liability already incurred or accrued as to which it shall remain in full force and effect.

The Surety herein reserves the right to terminate this bond except as to any liability already incurred or accrued, and may do so upon giving the said Principal and the Director of Agriculture of the State of California thirty (30) days' written notice to that effect and thirty (30) days after the receipt by the Director of Agriculture of such notice or upon the filing and acceptance of a new bond, its liability under this bond, except as to any liabilities or indebtedness already incurred or accrued, shall cease, and said bond shall thereupon terminate and be of no more force or effect, except as to any liabilities or indebtedness already incurred or accrued thereunder.

IN WITNESS WHEREOF, The said Principal and Surety have hereunto set their hands and seals this_____day of_____, 19___.

(Sign on lines below if you are a corporation)

_____, Inc.,
a corporation. Principal
By _____
Title of official
By _____
Title of official
By _____
Title of official

Title of official

(If individual or copartnership sign below)

Principal

Surety
By _____
Title of official

Attach Certificate of Acknowledgment of Principal and Surety before a notary public

[REVERSE OF COMPANY SURETY BOND FOR CATTLE SLAUGHTERER]

CATTLE SLAUGHTERER'S COMPANY SURETY BOND

Local Agent Put Your Label Here

BOND

of

Approved this _____day
of_____19___

Chief, Bureau of Livestock Identification, Department of Agriculture, State of California

Filed this_____day
of_____19___

Bureau of Livestock Identification, Department of Agriculture, State of California

By _____

(j) **Bond for Horse, Mule and Burro Slaughterers** (Section 380.53, Agricultural Code):

DIVISION OF ANIMAL INDUSTRY
A. K. Carr, Administrator

BUREAU OF LIVESTOCK IDENTIFICATION
E. Clyde Harris, Chief

STATE OF CALIFORNIA
DEPARTMENT OF AGRICULTURE
A. A. Brock, *Director*
Sacramento

COMPANY SURETY BOND FOR HORSE, MULE AND BURRO SLAUGHTERERS

Know All Men by These Presents:

That _____
Name
_____, as Principal
Post-office address
and _____
a corporation organized under the laws of the State of_____and authorized to transact a General Surety Business in the State of California, as Surety, are held and firmly bound unto the State of California, in the sum of one thousand dollars for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

SEALED With our seals and dated this_____day of_____, 19___.

WHEREAS, The above bounden Principal_____
was duly licensed by the Director of Agriculture, Department of Agriculture, State of

California, to carry on a business of operating an establishment for the purpose of slaughtering horses, mules or burros for the calendar year of 19___.

NOW, THEREFORE, The condition of this obligation is such that if the above bounden Principal during the term of said license and for such other and succeeding license period or periods for which said Principal shall be licensed as Horse, Mule and Burro Slaughterer in accordance with the terms of Division 3, Chapter 1, Article 5 of the Agricultural Code of the State of California, and any and all amendments thereto, shall slaughter, sell or expose for sale any horses, mules, or burros, or the meat thereof, first being the owner thereof, or being authorized to do so by the owner, then the above obligation shall be null and void; otherwise to remain in full force and effect; and in case said above bounden Principal shall slaughter any horses, mules or burros without being the owner or so authorized by the owner, he shall in addition to all other statutory penalties, pay therefor double the value of such animal. This bond shall be deemed continuous in form and shall remain in full force and effect throughout all said succeeding license periods unless terminated or canceled in the manner hereinafter provided.

The State of California, by and through the Director of Agriculture, reserves the right, at any time, to terminate this bond (except as to any liability thereunder already incurred or accrued) by a written notice of such termination to the Surety, and thereupon this bond shall terminate and be of no more force or effect, except as to any liability already incurred or accrued as to which it shall remain in full force and effect.

The Surety herein reserves the right to terminate this bond except as to any liability already incurred or accrued, and may do so upon giving the said Principal and the Director of Agriculture of the State of California thirty (30) days' written notice to that effect and thirty (30) days after the receipt by the Director of Agriculture of such notice or upon the filing and acceptance of a new bond, its liability under this bond, except as to any liabilities or indebtedness already incurred or accrued, shall cease, and said bond shall thereupon terminate and be of no more force or effect, except as to any liabilities or indebtedness already incurred or accrued thereunder.

IN WITNESS WHEREOF, The said Principal and Surety have hereunto set their hands and seals this_____day of_____, 19___.

(Sign on lines below if you are a corporation)

_____, Inc.,
a corporation. Principal

By _____
Title of official

By _____
Title of official

By _____
Title of official

Title of official

(If individual or copartnership sign below)

Principal

Surety

By _____
Title of official

Attach Certificate of Acknowledgment of Principal and Surety before a notary public

[REVERSE OF HORSE, MULE AND BURRO SLAUGHTERER'S COMPANY SURETY BOND]

HORSE, MULE AND BURRO SLAUGHTERER'S COMPANY SURETY BOND

Local Agent Put Your Label Here

BOND

of _____

Approved this _____day

of_____19__

Chief, Bureau of Livestock Identification, Department of Agriculture, State of California

Filed this_____day

of_____19__

Bureau of Livestock Identification, Department of Agriculture, State of California

By_____

2—51644-A

(k) **Bond for Public Cattle Sales Yard** (Section 363.2, Agricultural Code):

DIVISION OF ANIMAL INDUSTRY
A. K. Carr, Administrator

BUREAU OF LIVESTOCK IDENTIFICATION
E. Clyde Harris, Chief

STATE OF CALIFORNIA
DEPARTMENT OF AGRICULTURE
A. A. Brock, *Director*
Sacramento

COMPANY SURETY BOND FOR PUBLIC CATTLE SALES YARD

Know All Men by These Presents:

That _____
Name
_____, as Principal
Post-office address
and _____
a corporation organized under the laws of the State of_____and authorized to transact a general surety business in the State of California, as Surety, are held and firmly bound unto the State of California, in the sum of one thousand dollars for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

SEALED WITH OUR SEALS And dated this_____day of_____, 19___.

WHEREAS, The above bounden Principal_____was duly licensed by the Director of Agriculture, Department of Agriculture, State of California, to engage in a business of selling cattle at a public sales yard for the calendar year of 19___;

NOW, THEREFORE, The condition of this obligation is such that if the above bounden Principal during the term of said license and for such other and succeeding license period or periods for which said Principal shall be licensed for operating a Public Cattle Sales Yard in accordance with the terms of Division 3, Chapter 1, Article 3 of the Agricultural Code of the State of California, and any and all amendments thereto, shall sell any cattle, first being the owner thereof or being authorized to do so by such owner, then the above obligation shall be null and void; otherwise to remain in full force and effect; and in case said above bounden Principal does sell any cattle without being the owner thereof or authorized to do so by such owner, he shall, in addition to all other statutory penalties, pay double the value of such animals. This bond shall be deemed continuous in form and shall remain in full force and effect throughout all succeeding license periods unless terminated or canceled in the manner hereinafter provided.

The State of California, by and through the Director of Agriculture, reserves the right, at any time, to terminate this bond (except as to any liability thereunder already incurred or accrued) by a written notice of such termination to the Surety, and thereupon this bond shall terminate and be of no more force or effect, except as to any liability already incurred or accrued as to which it shall remain in full force and effect.

The Surety herein reserves the right to terminate this bond except as to any liability already incurred or accrued, and may do so upon giving the said Principal and the Director of Agriculture of the State of California thirty (30) days' written notice to that effect and thirty (30) days after the receipt by the Director of Agriculture of such notice or upon the filing and acceptance of a new bond, its liability under this bond, except as to any liabilities or indebtedness already incurred or accrued, shall cease, and said bond shall thereupon terminate and be of no more force or effect, except as to any liabilities or indebtedness already incurred or accrued thereunder.

IN WITNESS WHEREOF, The said Principal and Surety have hereunto set their hands and seals this_____day of_____, 19___.

(Sign on lines below if you are a corporation)

_____, Inc.,
a corporation. Principal
By _____
Title of official
By _____
Title of official

Title of official

Title of official

(If individual or copartnership sign below)

Principal

Surety
By _____
Title of official

Attach Certificate of Acknowledgment of Principal and Surety before a notary public

[REVERSE OF COMPANY SURETY BOND FOR PUBLIC CATTLE SALES YARD]

PUBLIC CATTLE SALES YARD COMPANY
SURETY BOND

Local Agent Put Your Label Here

BOND

of

Approved this _____day
of_____19___

Chief, Bureau of Livestock Identification, Department of Agriculture, State of California

Filed this_____day
of_____19___

Bureau of Livestock Identification, Department of Agriculture, State of California
By _____

(*l*) **Cash Bond for Payment of Hide and Brand Inspection Fees** (Section 344, Agricultural Code):

Know All Men by These Presents:

That_____, the undersigned depositor, does herewith deposit with the Director of Agriculture of the State of California the sum of $_____ current lawful money of the United States of America, under the provisions of Section 344 of the Agricultural Code of the State of California.

THE CONDITION of this deposit is such that if the undersigned depositor does not pay, at the times inspections are made, all fees provided for and required to be paid by the provisions of Article 3 of Chapter 1 of Division 3 of the Agricultural Code of the State of California, and for a period of twenty (20) days after each inspection fails or neglects to pay any or all of said fees;

Then in that event, the said Director of Agriculture or any of the agents or employees of the Department of Agriculture of the State of California are authorized, empowered and directed to take from said sum herewith deposited, the full amount of said fees, and pay the same, and thereupon this bond and deposit at the option of the Director of Agriculture shall not be effective as a bond or deposit under the provisions of said Section 344 of the Agricultural Code until the undersigned shall have deposited with said Director of Agriculture the amount or amounts taken therefrom as aforesaid, or the director at his option may terminate this bond and deposit and return the balance of this deposit to the undersigned.

The undersigned shall not be entitled to a return of this deposit, or any part hereof, until_____days after written request therefor is filed with said Director of Agriculture and all such fees owed by the undersigned have been paid.

The undersigned agrees to increase the amount of the deposit made hereunder within_____days after demand is made therefor by the Director of Agriculture.

The Director of Agriculture may change the number of days allowed to the undersigned to pay such fees after inspections are made.

Signed in duplicate this_____day of_____, 19____.

By _____

By _____

Attach Notary's Certificate of Acknowledgment of Execution

Approved and accepted this_____day of_____, 19____.

Director of Agriculture of the State of California

By _____

Chief, Bureau of Livestock Identification, Department of Agriculture

(m) **Corporate Surety Bond for Payment of Hide and Brand Inspection Fees** (Section 344, Agricultural Code):

Know All Men by These Presents:

That _____

(Name)

_____, as Principal

(Post Office Address)

and _____

a corporation organized under the laws of the State of_____ and authorized to transact a general surety business in the State of California, as Surety, are held and firmly bound unto the State of California, as Surety, in the sum of _____ dollars for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

SEALED WITH OUR SEALS AND DATED THIS _____ day of _____ 19____.

NOW, THEREFORE, The condition of this obligation is such that if the above bounden Principal does not pay, at the times inspections are made, all fees provided for and required to be paid by the provisions of Article 3 of Chapter 1 of Division 3 of the Agricultural Code of the State of California, and within a period of twenty (20) days after each inspection the above bounden Principal does pay any and all of said fees, then the above obligation shall be null and void; otherwise to remain in full force and effect.

The Director of Agriculture may, upon written notice to the above bounden Principal and Surety, change the number of days allowed to the above bounden Principal to pay such fees after inspections are made.

The State of California, by and through the Director of Agriculture, reserves the right, at any time, to terminate this bond (except as to any liability thereunder already incurred or accrued) by a written notice of such termination to the surety, and thereupon this bond shall terminate and be of no more force or effect, except as to any liability already incurred or accrued as to which it shall remain in full force and effect.

The Surety herein reserves the right to terminate this bond except as to any liability already incurred or accrued, and may do so upon giving the said Principal and the Director of Agriculture of the State of California thirty (30) days' written notice to that effect and thirty (30) days after the receipt by the Director of Agriculture of such notice or upon the filing and acceptance of a new bond, its liability under this bond, except as to any liabilities or indebtedness already incurred or accrued, shall cease, and said bond shall thereupon terminate and be of no more force or effect, except as to any liabilities or indebtedness already incurred or accrued thereunder.

IN WITNESS WHEREOF, The said Principal and Surety have hereunto set their hands and seals this _____ day of _____, 19___.

Sign on lines below if you are a corporation

_____Inc., a corporation.

Principal

By _____

(Title of Official)

By _____

(Title of Official)

By _____

(Title of Official)

If individual or copartnership sign below

Principal

Surety

By _____

(Title of Official)

Attach Certificate of Acknowledgment of Principal and Surety Before a Notary Public

Approved this _____ day of _____, 19___.

Director of Agriculture of the State of California

By _____

CHAPTER 6. REAL ESTATE COMMISSIONER

Printed March 22, 1945.

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3. Applications for License
4. Applications Under Fictitious Names
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Article 1. General Provisions

2700. Offices of the Division of Real Estate are located as follows:

Principal Office

Sacramento
Business and Professions Bldg.
1020 N Street

Branch Offices

Los Angeles
Rm. 1101, Ninth and Hill Bldg.
315 West Ninth Street

San Francisco
417 Montgomery Street

Branch Offices—Continued

Oakland
505 California Bldg.
1736 Franklin Street

San Diego
517-518 Bank of America Bldg.

Long Beach
537 American Avenue

Fresno
City Hall, Broadway and Merced

NOTE.—§§2700 to 2800, inclusive, issued under authority contained in §§10080 and 11001, Business and Professions Code.

History: 1. Originally published 3-22-45 (Title 10).
2. Revision filed 9-11-47 (Register 9).

Article 2. Definition of Words and Phrases Used Herein

Unless specifically indicated, or the context requires otherwise, the terms set forth in these Rules and Regulations shall have the meaning indicated in the following sections:

2705. The Real Estate Laws are those laws contained in Division 4, Part 1 and Chapter 1 of Part 2 of the Business and Professions Code of California.

(a) "Division" shall mean the Division of Real Estate, Department of Investment, State of California.

(b) "Commissioner" means the Real Estate Commissioner.

(c) "Deputy" shall include all Deputy Real Estate Commissioners and Investigators appointed by the Commissioner.

(d) "Applicant" shall mean any person, partnership, or corporation applying for a broker or salesman license or permit.

(e) "Examination" shall mean the examination to qualify for any license issued by authority of the Real Estate Law.

(f) "License" shall include all licenses authorized to be issued by authority of the Real Estate Law.

(g) "Broker" shall mean an individual, partnership, or corporation licensed as a broker under the Real Estate Law.

(h) "Salesman" shall mean a licensed salesman in the employ of a broker licensed under the Real Estate Law.

(i) "Hearing" shall mean a formal hearing at which testimony is taken under oath.

(j) "Subdivision" shall include any type of subdivision falling within the definition set forth in Section 11000 of the Business and Professions Code.

(k) "Report" shall mean the public report on subdivisions authorized under Section 11018 of the Business and Professions Code.

(*l*) "Permit" shall mean the authorization issued by the Commissioner to a licensed real estate broker under Section 10507 of the Real Estate Law to engage in a mineral, oil and gas transaction.

Article 3. Application for License

2710. Application for License. Application for a license shall be made on form furnished by the Division.

2711. The application form shall be filled out completely and signed by the applicant. Accompanied by the proper fee, it shall be filed either in person or by mail in any office of the Division.

2712. An application for salesman license, in addition to being signed by the salesman applicant, must be signed by the prospective employing broker.

2713. In addition to two recommendations by property owners as required in the Real Estate Law, an applicant for an original broker license shall furnish letters of character reference from three representative citizens of the community in which he resides.

2714. A person holding any type of broker license issued by authority of the Real Estate Law, shall be exempt from furnishing further letters of character reference when applying for any other type of broker license issued under authority of the Real Estate Law.

2715. For the purpose of investigation, applicants for broker licenses will not be permitted to take the qualifying examination until 60 days have elapsed after filing a completed application. Said 60-day investigation period may be waived at the discretion of the Commissioner when:

(a) The applicant applies for license within 90 days of the termination of his United States military service in World War II as defined in Section 10460, Business and Professions Code.

(b) The applicant is already licensed by the Division as a broker in any one category, and is applying for a different type of broker license.

(c) The applicant is applying for a broker license within the second license year after his former license of the same type was allowed to lapse.

(d) The applicant is the successor to the business of an incapacitated or deceased broker.*†

2716. Recommendations are required for salesman applicants when indicated in the application form.*†

2717. Broker license applications from persons under 21 years of age will not be accepted.*†

2718. Salesman license applications from persons under 18 years of age will not be accepted.*†

2719. Applicants may be required to appear personally at an office of the Division to be interviewed.*†

2720. No original license shall be issued until the applicant's fingerprints are filed with the Division. The fingerprints will be taken by representatives of the Division of Real Estate at a time and place designated by the Commissioner.*†

2721. When a licensed salesman applies for a broker license in the same category, his employing broker shall be notified of the fact by the Division.*†

2722. When a salesman desires to transfer his employment to a new broker, application for such transfer must be made on a form provided by the Division and must contain the signature of the new employing broker agreeing to the employment, and the signature of the broker whose employ the salesman is leaving, in the spaces provided therefor. Should the latter not be available or should he refuse to sign the transfer form within a reasonable time, the Commissioner may waive the requirement for the latter's signature, unless charges which have sufficient basis to warrant a formal hearing are filed against the salesman.*†

Article 4. Applications Under Fictitious Names

2724. Applications Under Fictitious Names. A fictitious business name as referred to in this article is one which does not sufficiently show the names of all of the firm members or parties.*†

2725. An individual, partnership or corporation may apply for a broker license under a fictitious name.*†

2726. No license shall be issued under a fictitious business name which includes the name of a salesman.*†

2727. A fictitious name implying a partnership when a partnership does not exist in fact will not be granted, provided, however, a partnership style of name may be licensed at the discretion of the Commissioner when such name has been previously licensed and has developed definite advertising value over a period of years.*†

*† For statutory citation, see note to §2700.

2728. The Commissioner may determine if a license shall be issued under a particular fictitious name, and shall not issue a license under the same fictitious name to more than one licensee in the State even though the licensees may be doing business from the same address.*†

2729. As to the right of one applicant against another to use a particular fictitious name, the parties involved may by appropriate civil action prevent illegal use of the fictitious name.*†

Article 5. Partnership and Corporation Licenses

2733. Partnership and Corporation Licenses. Members of partnerships and officers of corporations active in the conduct of a brokerage business under the Real Estate Law are required to be licensed as brokers. They are required to qualify by broker examination and to obtain member or officer licenses. A license to a member of a partnership or officer of a corporation shall entitle such member or officer to act only for and on behalf of such partnership or corporation.*†

2734. No member of a partnership or officer of a corporation shall be issued a salesman license to act on behalf of a partnership or a corporation.*†

2735. Upon the termination or dissolution of a partnership, the business name of the partnership under which it was licensed need not be discontinued, provided that the consent of the owners of the partnership name be obtained for its continued use and license. The remaining partner or partners or the successors may then secure a broker license to do business under the fictitious name of the former partnership by filing a new application and fee.*†

2736. A license shall not be granted a corporation until articles of incorporation have been filed with the Secretary of State.*†

2737. A partnership license may be issued when the partnership is composed of two or more persons engaged in different vocations, provided that the Division is informed by letter that the members of such partnership are engaged in different lines of business. (For example: A partnership consisting of a real estate broker and a partner who confines his activities to the insurance business.)*†

2738. If for any reason there is no remaining officer licensed to transact business on behalf of the corporation, the license of said corporation may be continued in effect at the discretion of the Commissioner for a reasonable time to permit the qualification of a new officer or officers.*†

Article 6. Examinations

2741. Examinations. Applicants will be given written notice when and where to appear for examination.*†

2742. Examinations shall be written, and the use of pen and ink or indelible pencil is compulsory.*†

*† For statutory citation, see note to §2700.

2743. Applicants shall be allowed a specified time for completion of the examination as follows:

Brokers	3 hours
Salesmen	2 hours
Provisional Salesmen	1 hour

*†

2744. The results of the examination shall be mailed to the applicant. An applicant who fails to attain a passing grade shall receive a form which, filled out and forwarded to the Division along with the required fee, shall entitle him to a reexamination. Thirty days must elapse before taking this reexamination, and the Commissioner will designate its time and place. Should further reexaminations be necessary, a period of sixty days must elapse between the second and third reexaminations and ninety days must intervene between the third and fourth and each subsequent reexamination.*†

2745. An applicant who fails in an examination may, upon request, review his examination paper in the presence of an employee of the Division within thirty days of notification of the results of the examination. The Commissioner will designate the time and place for reviewing examination papers.*†

2746. Persons taking examinations will not be permitted to refer to any notes, books or memoranda, and all computations must be shown on the blank pages of the examination questionnaire. The copying of questions or making notes relative thereto shall be grounds for disqualification of the applicant.*†

Article 7. Signs and Advertising

2748. Signs and Advertising. Advertising of any service for which a license issued under provisions of the Real Estate Law is required, shall not be under the name of a salesman unless the name of the employing broker is set forth.*†

2749. The sign required by law to be placed in a conspicuous place on the premises of a broker's office shall be readily apparent to anyone entering the premises.*†

Article 8. Complaints

2751. Complaints. An aggrieved person may file a complaint in writing against a licensee of the Division, or against an owner of subdivided lands or subdivider, setting forth specific charges.*†

2752. If the written complaint indicates that the Division has jurisdiction over the licensee, owner of subdivided lands, or subdivider, an investigation shall be made.*†

2753. Good cause appearing to exist, upon the filing of a verified complaint or upon the motion of the Commissioner, a hearing shall be held.*†

*† For statutory citation, see note to §2700.

Article 9. Hearings

2758. Hearings. Hearings shall be inaugurated and conducted in accordance with the provisions of Chapter 5 of Title 2, Division 3, Part 1 of the Government Code (Administrative Procedure Act—Stats. 1945, Ch. 867, as amended).*†

2759. If the respondent is a salesman, or applicant for salesman license, the employing broker shall be notified of the time and place of hearing.*†

2760. An authorized reporter of the Division shall be present at all hearings, and shall make a stenographic record of the proceedings.*†

2761. Interested parties desiring a transcript of the testimony are privileged to have their own reporter at the hearing. Parties aggrieved by the decision of the Commissioner may obtain certified copies of transcripts prepared by the Division upon request and payment of the fees provided in the Real Estate Law.*†

Article 10. Subdivisions

2768. Subdivisions. Each notice of intention to subdivide land for the purpose of sale or lease, as set forth in Section 11010 of the Business and Professions Code, shall be accompanied by a completed questionnaire, forms for which will be furnished by the Division.*†

2769. All documents, maps, and reports or copies required to be filed in connection with the questionnaire shall be made a part thereof.*†

2770. After the owner, subdivider or agent has filed a completed questionnaire and paid the required fees, an inspection and investigation of the subdivision shall be made by the Division.*†

2771. Lots or parcels in a subdivision shall not be offered for sale or lease until the Commissioner has issued his public report thereon.*†

2772. The owner, subdivider or agent shall not accept a deposit or execute an agreement of sale on any lot or parcel in a subdivision until a true copy of the Commissioner's public report on the subdivision has been given to the prospective purchaser and his receipt taken therefor. Receipts shall be kept on file in the possession of the owner, subdivider or agent subject to inspection within a reasonable time by the Commissioner or his deputies. True copies of the public report shall be prepared by the owner, subdivider or agent at his expense.*†

2773. The owner, subdivider or agent of a subdivision, a map of which was filed of record or which was originally offered for sale prior to August 11, 1933, shall file a questionnaire and pay the prescribed fee and secure the Commissioner's public report thereon prior to offering for sale any parcels in said subdivision subsequent to that date.*†

2774. If investigation and inspection indicate that the subdivision is subject to flood, fire, or other hazard, the owner, subdivider, or agent shall, upon request of the Commissioner, furnish a report upon such

*† For statutory citation, see note to §2700.

hazard prepared by a competent flood control engineer, fire warden, or other proper authority.*†

2775. The Commissioner's public report on a subdivision shall include only the minimum area as shown by the recorded map or other documents or reports acceptable to the Commissioner. The subsequent subdivision of any contiguous land, or lands in the vicinity, shall be treated as a separate project and an additional complete filing shall be made thereon.*†

2776. The Commissioner's public report shall not be used for advertising purposes, unless the report is used in its entirety. No portion of the report shall be underscored, italicized, or printed in larger or heavier type than the balance of the report, unless the true copy of the report furnished by the Commissioner so indicates.*†

2777. The owner, subdivider, or agent shall immediately furnish data to the Commissioner on any new condition or development which may affect the value or utility of the subdivision being offered for sale.*†

2778. If the owner of any subdivision options, or sells to another, five or more parcels from said subdivision, such option or sale shall constitute a material change within the meaning of Section 11012 of the Business and Professions Code, and such owner or original subdivider shall immediately notify the Commissioner of such options or sales.*†

2779. When the Commissioner doubts the suitability of any proposed subdivision for the purpose for which it is proposed to be sold, the owner, subdivider or agent shall accompany his filing by a report or reports prepared by competent authorities showing that the lands or leases have definite merit for the purpose for which they are to be sold. The Commissioner will determine the sufficiency of the data so submitted and the qualifications of the parties preparing such data.*†

2780. The subdivision of any lands over which the Commissioner has jurisdiction, which are not contiguous shall consist of not to exceed 640 acres and the Commissioner shall determine whether or not parcels in such subdivisions are grouped in a sufficiently restricted area to include them in one subdivision project.*†

2781. Each subdivision must consist of lands in fee, mineral rights, surface rights, or a lease thereon, and no single subdivision shall combine two or more such interests.*†

2782. The owner, subdivider or agent of a subdivision, wherein the interest conveyed to purchasers consists of a sublease or lease assignment, shall deliver to each purchaser a copy of the original lease and all subsequent modifications, extensions and assignments upon which the interest to be conveyed is based.*†

2783. The owner, subdivider, or agent of a subdivision project offered for sale or lease for speculation based upon mineral, oil, or gas possibilities, shall furnish to the Division each 90 days a report on the

*† For statutory citation, see note to §2700.

development in the area of said subdivision which has any bearing on the subdivision.*†

2784. The owner, subdivider, or agent of each subdivision to be sold or leased for speculation based upon its mineral, oil, and gas possibilities, shall agree in writing that each purchaser of lots or parcels in the subdivision will be informed that such lots or parcels are being sold as a speculative investment only; that in event mineral, oil or gas in paying quantities are not discovered on the property, the purchaser probably will receive no return on his investment and will obtain nothing except a lease or a parcel of land.*†

2785. The owner, subdivider, or agent of any subdivision to be sold for speculative purposes based upon its oil, gas or mineral value shall not offer lots or parcels of fee land containing less than one acre, or any lease interest on parcels of less than two and one-half acres.*†

2786. The owner, subdivider, or agent of a subdivision in which a leasehold interest is to be sold, or wherein mineral, oil and gas lands in fee simple are affected by any drilling or development program, shall file a questionnaire and all accompanying maps, reports, and documents in triplicate.*†

Article 11. Mineral, Oil and Gas Transaction Report

2791. Mineral, Oil and Gas Transaction Report. All mineral, oil, and gas licensees shall file a report with the Commissioner of each sale, lease, exchange, or assignment transaction made by them which may be subject to the mineral, oil, and gas brokerage provisions of the Real Estate Law.*†

2792. This report must be filed with the Commissioner at his principal office in Sacramento, California, not later than the tenth of each month and shall cover all transactions for the preceding month.*†

2793. Each report shall contain the legal description of the property in the transaction, the date of the transaction, and the name and address of the party or parties with whom the transaction has been made.*†

Article 12. Permits

2798. Permits. A real estate broker licensee, upon the filing of an application, may secure a permit under the provisions of Section 10507 of the Real Estate Law to perform an act or engage in a transaction involving the sale or lease of mineral, oil and gas lands.*†

2799. No more than 10 permits shall be issued to a real estate broker licensee during a fiscal year.*†

2800. All permits issued under Section 10507 of the Real Estate Law, during a fiscal year, shall expire on June 30 of that year.*†

[§§2700 to 2800, inclusive, filed 9-11-47; effective 9-11-47.]

*† For statutory citation, see note to §2700.

(Pages 235 to 237 eliminated in revision)

1325 12-48 1,500

Article 25. Reinforcing Steel Protection

1640. No employee shall be permitted to work above vertically protruding reinforcing steel until it has been so protected that the employee can not fall on it.*†

Article 26. Pile Driving

1645. (a) When it is necessary for a workman to work or be under the hammer, the hammer shall be secured in the leads by means of an adequate chock, toggle or other device to safely support the hammer.

(Exception): Where it is necessary for a workman to lean through the leads to spot a pile under hammer, it is not required that the hammer be secured in the leads.

(b) Steam hose leading to the steam hammer shall be attached thereto with a wire rope or chain safety in such a manner that the hose will be prevented from whipping should the hose become separated from the hammer.

(c) The hose connected to a jet pipe or similar equipment shall be attached to the jet pipe or similar equipment by a wire rope or chain safety in such a manner that the hose will be prevented from whipping should the hose become separated from the jet pipe or similar equipment.

(d) Wherever it is necessary for workmen to work aloft on pile drivers in normal operation, working platforms shall be provided.

Such platforms shall be of sufficient size so that the workman can easily avoid contact with the hammer. If the platform area is less than 12 square feet, it shall be surrounded on all sides, except between the hammer leads, with a railing or guard line forty-two (42) to forty-five (45) inches in height. Guard lines shall be drawn taut and must be at least three-eighths ($\frac{3}{8}$) inch wire rope, or one (1) inch Manila or sisal rope. If rigid railings are used, they shall be constructed in accordance with provisions of Order 1112, with the exception that pipe or structural steel railings may be used if of equivalent strength.

(e) Precautionary measures shall be taken which will prevent tools, material and equipment from falling off elevated platforms. It is recommended that there be a toe board at least six (6) inches high on all sides of the platform.

(f) On all pile drivers, substantial ladders extending from the hoist platform to the head block shall be provided, and maintained in safe condition for service.

The space between ladder side rails shall not exceed twenty-four (24) inches. No. 1 Select Douglas Fir, two by four (2 x 4) inches in cross section, or material of equivalent strength shall be used for side rails if intervals between points of attachment or bracing do not exceed twenty (20) feet. No. 1 Select Douglas Fir, two by six (2 x 6) inches in cross section, or material of equivalent strength shall be used for side rails if intervals between points of attachment or bracing are between twenty (20) and twenty-six (26) feet. If the interval is greater than twenty-six (26) feet, side rails of proportionately greater strength shall be used.

Wooden ladder cleats shall be not smaller than one by three (1 x 3) inches in cross section if used with two by four (2 x 4) inch side rails.

*† For statutory and source citations, see note to §1501.

With larger side rails, cleats not smaller than one by four (1 x 4) inches in cross section shall be used. Wooden cleats shall be blocked, housed into rails one-half ($\frac{1}{2}$) inch, or strips shall be placed over cleats so that they will be securely attached to the side rails. Three (3) ten-penny wire nails shall be used at each point of attachment between a cleat and side rail. Cleats, if of wood, shall be clear, straight grained and free from knots.

(g) Stirrups shall be provided for use on sheet piles or a mechanical device shall be used to guide the pile into place. If a workman is required to go aloft on sheet piling, he shall use a ladder or be carried up in a boatswain's chair.

(h) Workman shall not ride the hammer.

(i) Walkways at least twenty (20) inches in width, shall be provided across pile caps or other open work with the exception of those pile caps on which the driver is standing.

(j) Where a drop hammer is used for driving piling other than sheet piling, a driving head or bonnet shall be provided to bell the head of the pile and hold it true in the leads.

(k) Ring buoys shall be provided and located where readily available at intervals not exceeding two hundred (200) feet on all structures over water, under the course of construction.

Where men are concentrated in groups, there shall be additional ring buoys consisting of not less than one additional buoy for each 25 men in that area. The use of portable standards to hold the ring buoys in plain view is recommended. It is also recommended that, where practical, a skiff be provided for general and emergency use.

(*l*) All floating rigs, with the exception of small work rafts or pontoons, shall be equipped with at least two (2) ring buoys.

(m) In every crew there shall be designated signal men, and the engineman or niggerhead man shall receive signals from no others, except however, that when the loftsman is above, the hammer shall not be lowered except on the signal of the loftsman.

(n) All deck engines, not operated by an operator on the throttle side, shall be equipped with a cross extension of the throttle that is within the reach of the spool tender or niggerhead man.

(o) Every hoisting drum used on a pile driver shall be equipped with an adequate dog. This dog shall be readily visible from the engineman's station or shall be provided with a direct connected and positive telltale which will be visible.

(p) No arrangement of counterweights or springs on the dog shall be permitted which will allow the dog to be automatically disengaged either by relieving the load or rotating the drum.

(q) **Hand Unloading from Trucks and Trailers.** The following method shall be used in unloading piles from a truck or trailer when the load is to be rolled off one side by hand:

(1) Trucks and trailers shall be equipped with bunk chocks arranged so as to be released from the side opposite that from which the load is to be dumped.

*† For statutory and source citations, see note to §1501.

Pages 95 to 138 inclusive, not used, because too many page numbers were omitted to care for material not ready at time of the original printing of this Title 5.

(d) The governing board of a high school district may award to the pupil a diploma of high school graduation, provided, that statutory requirements for graduation have been met, when the pupil has completed, including that portion of his last semester in residence immediately prior to withdrawal the equivalent of 190 semester periods.*†

100. Secondary School Credit for Private Instruction. The governing board of a school district maintaining a secondary school may grant to a pupil regularly enrolled and in attendance in the school credit toward graduation for private instruction in fields and subjects included in the courses of study and curricula of the school provided, that the pupil demonstrates by examinations given under the direction and supervision of the school his capabilities at the beginning and at the end of his period of private instruction and evidences that satisfactory progress in learning has been made.*†

101. Instruction by Correspondence in Secondary Schools. The governing board of a school district maintaining one or more secondary schools may, subject to these rules and regulations and upon authorization of the Superintendent of Public Instruction, provide pupils with instruction by correspondence, and pay the cost thereof.

(a) The governing board of a school district maintaining one or more secondary schools shall, through the superintendent of the district or the principals of the secondary schools, apply for the authorization of the Superintendent of Public Instruction on forms provided by the State Department of Education. Information required on such forms will include the name and grade placement of the pupil, the subject to be studied by correspondence, the reasons for not teaching this subject in the school, the cost of the instruction by correspondence, and the name of the institution providing the instruction.

(b) The governing board of a school district maintaining one or more secondary schools may pay the cost of instruction by correspondence only when the pupil is enrolled in the regular day schools of the district.

(1) The governing board of a school district maintaining one or more secondary schools shall not pay the cost of instruction by correspondence for persons enrolled in Classes for Adults.

(c) The governing board of a district maintaining one or more secondary schools may pay the cost of instruction by correspondence only in subjects which are listed in the course of study for the secondary school as adopted by the governing board of the district and approved by the State Board of Education.

(d) The governing board of a district maintaining one or more secondary schools shall provide supervision by a certificated employee of the district for each student who is receiving instruction by correspondence.

(e) The governing board of a district maintaining one or more secondary schools shall determine the amount of credit to be granted to a pupil upon the successful completion of a correspondence course.

*† For statutory and source citations, see note to §1.

(1) Not more than 40 semester periods of instruction by correspondence shall be approved for credit toward graduation from high school and not more than 20 credit hours shall be approved for credit toward graduation from junior college.

(f) The governing board of a school district maintaining a high school may award a diploma of graduation to an honorably discharged veteran of World War II who has completed Tests of General Educational Development (high school level) prepared by the American Council on Education with an average standard score of 45, or above, on the five tests in the battery and with a standard score of 35, or above, on each of the five tests in the battery, and who has met the State legal requirement of United States History and United States Constitution in addition to the requirements prescribed by the governing board of the high school granting the diploma.

102. Requirements for Graduation From Secondary School. The governing board of a school district maintaining a secondary school shall authorize to graduate from any secondary school maintained any pupil of good character and citizenship who satisfactorily completes the full curriculum prescribed for the school in which the pupil is regularly enrolled and in attendance at the time of completion of his work, including instruction in the Constitution of the United States and the successful passing of an examination thereon.

(a) The governing board of a school district maintaining a four-year or senior high school shall grant a diploma of high school graduation for the completion of a course of study or curriculum which includes not less than 190 semester periods and not more than 240 semester periods of classroom instruction and supervised learning, including work experience.

(1) A semester period is defined as one period of 40 to 60 minutes per week throughout one semester of not less than 17 weeks. When a school is operating on a minimum school day (four clock hours) adjustments in length of period or number of periods per week may be made without reduction of the number of semester periods which would otherwise be credited.

(b) The governing board of a school district maintaining a junior college shall confer the degree of Associate in Arts upon the satisfactory completion in grades 13 and 14 of 60 credit hours of work which shall include the following:

(1) A major consisting of at least 20 credit hours in a specified field of study;

(2) Two credit hours in the Constitution of the United States, including the study of American institutions and ideals,

*† For statutory and source citations, see note to §1.

and the satisfactory passing of an examination on the provisions and principles of the United States Constitution;

(3) Two credit hours of community and personal hygiene;

(4) Two credit hours in physical education earned at the rate of one-half credit per semester for a minimum of 120 minutes per week in directed physical education activities, except as a pupil may be exempted in accordance with Section 10126, Education Code; and

(5) Such requirements in oral and written English as the governing board of the school district may establish.

(c) The governing board of a school district maintaining a secondary school shall award the appropriate diploma or degree whenever a pupil shall have completed all requirements of a full curriculum of the secondary school without regard to the length of time actually taken by the pupil to complete such requirements.

(1) The governing board of a school district shall grant to any pupil who satisfactorily completes the requirements of any course of study in less than the prescribed time, the full number of semester periods or credit hours scheduled for such course.

(d) The governing board of a school district maintaining a secondary school shall issue a certificate of completion to any pupil who successfully completes any course of study or curriculum in length less than the full number of years and grades maintained by the school.

(e) The governing board of a school district maintaining a high school shall require any pupil pursuing a vocational curriculum in a four-year or senior high school to complete in a specific vocational field a sequence of courses of study approved by the State Department of Education.*†

103. Secondary School Transcript of Record. (a) The governing board of a school district maintaining a secondary school shall send for any pupil who transfers to another school a transcript of the pupil's record to the receiving institution.

Upon request from any pupil graduating from a secondary school, the governing board thereof shall give to such pupil or forward to a designated institution of higher learning a transcript of the pupil's record in such school, which will include a recommendation as to such pupil.

(1) The State Department of Education shall prescribe and furnish forms to be employed in transcripts of the school record of a pupil.*†

ARTICLE 13. CONTINUATION EDUCATION

107. Director of Continuation Education. The governing board of each school district in which compulsory continuation classes are established as required or authorized by law shall provide a director of continuation education and such assistants as may be necessary who

*† For statutory and source citations, see note to §1.

Article 48. Special Subject Supervision Credential

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452. Authorization for Service
453. Term

Article 49. General Administration Credential

Section
456. Application
457. Authorization for Service
458. Term

Article 50. Special Subject Supervision Vocational Class A Credential in Trade and Industrial and Public Service Education

Section
461. Application
462. Authorization for Service
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Article 51. Special Subject Supervision Vocational Class B Credential in Trade and Industrial and Public Service Education

Section
466. Application
467. Authorization for Service
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Article 52. Secondary School Administration Credential in Trade and Industrial Education

Section
471. Application
472. Authorization for Service
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Article 53. Life Diplomas

Section
476. Application
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Article 54. Credentials for Supervising School Budgets

Section
481. Application
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(d) Fresno State College, Fresno
(e) Humboldt State College, Arcata
(f) San Diego State College, San Diego
(g) San Francisco State College, San Francisco
(h) San Jose State College, San Jose
(i) Stanford University, Stanford University
(j) University of Southern California, Los Angeles
(k) Claremont Colleges, Claremont
(*l*) Dominican College, San Rafael
(m) Mills College, Mills College
(o) College of the Pacific, Stockton
(p) University of Redlands, Redlands
(q) Whittier College, Whittier
(r) Immaculate Heart College, Hollywood
(s) San Francisco College for Women, San Francisco
(t) St. Mary's College, Los Angeles
(u) College of the Holy Names, Oakland

Section
824. Credentials for Which Institutions Are Temporarily Approved
(a) California Polytechnic School, San Luis Obispo
(b) Chapman College, Los Angeles
(c) Chico State College, Chico
(d) Fresno State College, Fresno
(e) George Pepperdine College, Los Angeles
(f) La Verne College, La Verne
(g) Mt. Saint Mary's College, Los Angeles
(h) Occidental College, Los Angeles
(i) San Diego State College, San Diego
(j) San Francisco State College, San Francisco
(k) San Jose State College, San Jose
(*l*) Santa Barbara College, University of California
(m) University of Southern California, Los Angeles

Article 5. Schedule of Reaccreditation Dates of California Teacher Education Institutions

Section
834. Schedule of Reaccreditation Dates of Teacher Education Institutions. —Table

Printed March 22, 1945

CHAPTER 6. OUTDOOR ADVERTISERS, DEPARTMENT OF PUBLIC WORKS

Article 1. Reflector Buttons
Article 2. Neon Illumination

Article 1. Reflector Buttons

2250. Colored reflector buttons may be used on advertising displays located within the limits of unincorporated towns, provided, the structures are placed more than 50 feet from the edge of the traveled way.

NOTE—§§2250 to 2258, inclusive, issued under authority contained in Section 5215, Business and Professions Code. Source of §§ 2250 to 2258, inclusive, is the Rules and Regulations made by the Director of Public Works, Outdoor Advertising Act.

2251. Red and yellow buttons, or units of any shade which give the effect of red or yellow are prohibited.*†

2252. (a) Reflectorized displays shall not be installed within 300 feet of any standard highway sign unless facing the opposite direction.

(b) Reflectorized displays shall not be installed closer than 1,000 feet in advance of standard curve signs unless facing the opposite direction.

(c) Reflectorized displays shall be of such a size that they are visible to approaching traffic for a distance of not less than 500 feet on tangents and 800 feet on curves.*†

2253. Reflectorized arrows are prohibited.*†

Article 2. Neon Illumination

2258. Red and yellow, or any color which gives the effect of red or yellow, neon illumination of advertising is prohibited unless the displays are located upon or immediately adjacent to the building in which the business advertised is conducted, except when located in unincorporated business districts, unincorporated villages or towns.*†

*† For statutory and source citations, see note to §2250.

Printed March 22, 1945

CHAPTER 3. BUREAU OF FURNITURE AND BEDDING INSPECTION

Article
1. Cotton Regulation
2. Cotton Regulation—Addenda
3. Feather and Down Regulation
4. Hair Regulation
5. Labels
6. Sterilization Regulation
7. Supply Dealer Regulation
8. Wool Regulation
9. Wool Regulation—Addenda
10. Miscellaneous Regulations

Article 1. Cotton Regulation

1100. (a) "**Staple Cotton**" is hereby defined as the lint fibrous growth removed from the cotton seed in the usual first process of ginning. This material, except that quality defined in Section 1100(b) shall be designated on the labels as "**Staple Cotton.**"

(b) "**Bolly Staple Cotton**" is hereby defined as that quality of staple cotton identified as Bollies and Snaps and Grabbots in Circular No. 278 of the U. S. Department of Agriculture, and shall be designated on the label as "**Bolly Staple Cotton.**"

NOTE—§§1100 to 1228, inclusive, issued under the authority contained in Sections 19034 and 19157, Business and Professions Code.

The source of §§1100 to 1228, inclusive, is the Rules and Regulations of the Chief of the Bureau of Furniture and Bedding Inspection approved by the Director of Professional and Vocational Standards.

1101. "**Cotton Linters**" is hereby defined as the fibrous growth removed from the cotton seed subsequent to the usual first process of ginning. For purposes of administration, cotton linters shall include and be comparable to the official standards of the United States for Grades of American Cotton Linters, grades 1 to 7, inclusive, subject to such further subdivision as set forth in subsections (a), (b), and (c) of this Regulation.

(a) "**First Cut Cotton Linters**" shall be equal to or higher in quality than grades 1, 2 and 3 of the Official Standards of the United States for Grades of American Cotton Linters.

(b) "**Mill Run Cotton Linters**" shall be equal to or higher in quality than grades 4 and 5 of the Official Standards of the United States for Grades of American Cotton Linters.

(c) "**Second Cut Cotton Linters**" shall be equal to or higher in quality than grades 6 and 7 of the Official Standards of the United States for Grades of American Cotton Linters.*†

1102. (a) "**Textile Spun Cotton**" is hereby defined as the natural white cotton fibers that are the by-product of spinning machines subsequently reduced to individual fibers containing not to exceed 1 per cent of hard spun thread or roving. Textile Spun Cotton may include waste materials defined in A.S.T.M. designation: D 123-41 and the glossary of

*† For statutory and source citations, see note to §1100.

terms relating to textile materials as hard waste, lap waste, soft waste, spinners waste, thread waste and thrum waste.

It may contain not to exceed 5 per cent by weight of fiber of any other origin.

(b) **By-products** of cotton processing machines known to the industry as "Comber," "Strips," "Picker," and "Fly" shall be used under their commercial designations, as follows:

(1) Comber shall be known as **"Cotton Comber."**

(2) Card strips and vacuum strips shall be known as **"Cotton Strips."**

(3) Picker drops shall be known as **"Cotton Picker."**

(4) Card fly shall be known as **"Cotton Fly."**

(c) **Tolerance:** Where any cotton by-products are used in whole or in a blend, a tolerance for dirt, shell, hull and seed particles, not to exceed 5 per cent by weight of such by-products only, may be allowed.*†

1103. "Cotton Waste," unless otherwise specifically defined, is the by-product of the various machines through which new cotton passes, including sweepings, and shall be designated on the label as **"Cotton Waste."***†

1104. "**Cotton Motes**" is hereby defined as the immature and unfertilized seeds and ends of seeds or particles of seed hull with linters adhering thereto which are cut or pulled off in removing the linters from the seed, and shall be designated on the label as **"Cotton Motes."***†

1105. "**Cotton Shoddy**" is hereby defined as any material of which prior use has been made, and shall include shoddy made of new or used defabricated material, thread, yarn, or dyed or stripped fibers, and sweepings not otherwise classed as "new," and shall be designated on the label as **"Cotton Shoddy."** A tolerance of 5 per cent for fibers shall be allowed.*†

1106. (a) **"Secondhand Cotton"** is hereby defined as cotton which has sustained prior use by the ultimate consumer. If secondhand cotton is used, or intended to be used in the manufacture, repair or renovation of articles of upholstered furniture, bedding or filling material, it shall be free of filth, stains, disagreeable odor or other contamination.

(b) **Sterilization.** Secondhand cotton which is filthy or stained, or has a disagreeable odor, or is otherwise contaminated, is unfit for use, and shall not be used in the manufacture, repair or renovation of any article of upholstered furniture, bedding or filling material, unless such material is first sterilized by the **"wet method"** of sterilization.*†

(See Sterilization Regulation, Sections 1182 to 1189.)

1107. "Cotton Felt" is hereby defined as cotton fibers in layers as processed by garnetting, carding or any other felting machines, and must be designated on the labels as "Felted Staple Cotton," "Felted Cotton Linters" or any other proper designation of cotton fiber "Felted."*†

*† For statutory and source citations, see note to §1100.

1108. Labeling. Where two or more fibers of different origin are used in the manufacture of felt, the quantities of each fiber used, expressed in terms of percentage, shall be set forth on the label.*†

1109. (a) **Labels:** The white **"All New Material"** label shall be used on any or all types of filling materials and on all articles of upholstered furniture and bedding containing any or all types of material set forth in Sections 1100, 1101, 1102, 1103, 1104 and 1107 of this Regulation; provided, however, that such materials are actually new and have not sustained prior use.

(b) The red **"Secondhand Material"** label shall be used on any or all types of filling materials and on all articles of upholstered furniture and bedding containing in whole or in part any or all types of materials set forth in Sections 1105, 1106 and 1107 of this Regulation.*†

(See Note to Section 1154.)

1110. Clean Material. Any products as herein defined, when used in the manufacture of upholstered furniture, bedding or filling materials, shall be reasonably clean and free from hull, shale, shell, dirt, oil, grease, or other contamination.*†

1111. Secondhand Cotton and Shoddy and any article of upholstered furniture, bedding or filling material containing any Secondhand Cotton or Shoddy shall be sterilized in compliance with specific provisions in this Regulation and Article 6 of the Furniture and Bedding Inspection Act.*†

1112. Damaged Cotton. Cotton, although new, which has been damaged through excessive exposure to the elements, faulty storage, fire, or in any other manner, or has a foreign or disagreeable odor, or has begun to disintegrate, shall be designated on the label as "Damaged," "Reclaimed," "Waste" or any other proper designation. If the condition of the material warrants, a white **"ALL NEW MATERIAL"** label may be used.*†

Article 2. Cotton Regulation—Addenda

1117. In the interests of those engaged in the upholstered furniture, bedding and filling material industries, who wish to avail themselves of the advantage of more explicit and informative labeling; and for those who wish to cooperate in promoting more intelligent consumer purchasing, the manufacturer of cotton products may add at his option, or the retailer may require of the manufacturer, further explanatory statements of labeling terminology to conform substantially to the phraseology as hereinafter set forth. Such statements, if used, shall appear immediately following the information relative to percentages of fiber content:

(a) (1) "**Staple Cotton.**" There are 2 grades of staple cotton. This is the best grade. (see §1100 (a))

(2) "**Bollie Staple Cotton.**" There are 2 grades of staple cotton. This is the lower grade. (see §1100 (b))

*† For statutory and source citations, see note to §1100.

(b) (1) "**First Cut Cotton Linters.**" There are 3 grades of linters. This is the best grade. (see §1101 (a))

(2) "**Mill Run Cotton Linters.**" There are 3 grades of linters. This is the medium grade. (see §1101 (b))

(3) "**Second Cut Cotton Linters.**" There are 3 grades of linters. This is the lowest grade . (see §1101 (c))

(c) (1) "**Cotton Comber.**" There are 4 grades of cotton by-products. Comber is the best grade. (see §1102 (b))

(2) "**Cotton Strips.**" There are 4 grades of cotton by-products. Strips are the second best grade. (see §1102 (b))

(3) "**Cotton Picker.**" There are 4 grades of cotton by-products. Picker is the third best grade. (see §1103)

(4) "**Cotton Fly.**" There are 4 grades of cotton by-products. Fly is the lowest grade. (see §1103)*†

1118. Deviations of Wording on Labels. The above statements are illustrations only. Acceptable deviations may be permitted, provided such proposed deviations are FIRST submitted to the Chief of the Bureau for approval.*†

Article 3. Feather and Down Regulation

1122. "**Down**" is hereby defined as the undercoating of water fowl, consisting of the light fluffy filaments growing from one quill point but without any quill shaft.*†

1123. "**Feathers**" are hereby defined as natural feathers or crushed feathers, and shall be labeled as hereinafter provided.*†

1124. "**Natural Feathers**" are hereby defined as feathers which have not been processed in any manner other than dusting, washing and sterilizing.*†

1125. "**Body Feathers**" are hereby defined as the feathers of any fowl other than wing and tail feathers. The term "Small Body Feathers" will be permitted on the label, provided the overall length of the feathers used does not exceed $3\frac{1}{2}$ inches.*†

1126. "**Wing and Tail Feathers,**" commonly known as "quills" shall be designated on the label as "Wing and Tail Feathers."*†

1127. "**Crushed Feathers**" are hereby defined as feathers which have been processed by a curling or crushing machine, which has changed the original form of the feather. Such stock shall be designated on the label as "Crushed Feathers."*†

1128. "**Chopped Feathers**" are hereby defined as feathers which have been chopped or cut into pieces. Such stock shall be designated on the label as "Chopped Feathers."*†

1129. "**Free Fiber**" is hereby defined as the barbs of down plumes separated by any process from the quill point.(*)*†

*† For statutory and source citations, see note to §1100.

(*) (In analysis "Free Fiber" not to exceed 5 per cent is included with the down.)

1130. "**Feather Fiber**" is hereby defined as the barbs of feathers, separated by any process from the feather shaft.(**)*†

1131. "**Feather Strippings**" are hereby defined as the barbs of feathers stripped by any process from the feather shaft, but not separated into feather fiber.(**)*†

1132. Tolerance:

(a) Down stocks containing not over 10 per cent small natural body feathers of the same fowl as that from which the down comes, may be labeled as "100 Per Cent Down."(***)

(b) Stocks labeled "Goose Down" may contain duck down of an amount not to exceed 10 per cent of the goose down in the stock, in addition to the feather tolerance provided under subsection (a) hereof.

(c) Stocks labeled "100 Per Cent Goose Feathers" may contain not to exceed 10 per cent feathers from any other fowl, of which not to exceed one-half or 5 per cent may be feathers from any fowl other than duck.

(d) Stocks labeled "100 Per Cent Duck Feathers" may contain not to exceed 5 per cent feathers from any other fowl.

(e) Damaged feathers, that is, those broken, damaged by insects, or damaged in any manner, other than that caused by the process of crushing, shall not exceed 5 per cent.

(f) All stocks shall be free from dust, dirt, excreta, trash, quill residue, pith, epidermis, or any foreign matter. A tolerance not to exceed 2 per cent is allowed.*†

1133. "**Color**" of feathers and down from water fowl shall be designated on the label as "white" or "gray"; feathers from chickens or turkeys shall be designated on the label as "white" or "colored". The name of the fowl from which feathers or down are derived shall be shown on the label.*†

1134. Application to Feather and Down Stock. The classifications and tolerances of this Regulation shall apply to feather and down stocks when used in the manufacture of upholstered furniture, bedding or filling material.*†

1135. Stocks Cleaned. All stocks shall be thoroughly cleaned by dusting, washing and sterilizing.*†

APR. 15, 1942.

TO THE FEATHER AND DOWN INDUSTRY:

1136. Unavailability of new goose and/or duck feathers and down stocks has made it necessary that the Bureau set forth a course of action where secondhand feathers and/or down are used or offered for sale to the furniture and bedding industry. To that end, the following general

*† For statutory and source citations, see note to § 1100.

(**) ("Feather Fiber" or "Feather Strippings" not to exceed 5 per cent are included with the feather tolerance, except chicken or turkey feather fiber in down, for which no tolerance is allowed.)

(***) (In a mixture of feathers and down, a tolerance for feathers not to exceed 10 per cent of the down content, is likewise permitted. Example: White Goose Down 50 per cent, White Goose Feathers 50 per cent, there may be present 45 per cent of White Goose Down and 55 per cent White Goose Feathers, or 55 per cent White Goose Down and 45 per cent White Goose Feathers.)

policy relating to the use of secondhand feathers and down will prevail from and after this date and will terminate when the President of the United States by proclamation declares the present emergency at an end.*†

1137. (a) When *any* secondhand stock is used in a mixture of feathers and/or down, the merchandise or article containing such stock shall be considered as "secondhand" and must be so labeled. The designation may include the specie of fowl from which the down is taken and the color thereof. When such additional statements are made, they shall be true statements.

(b) Any admixture of secondhand goose and duck feathers shall be so labeled, followed by the approximate percentage of each. The designation may include the particular specie of fowl from which the feathers are taken. When such additional statements are made, they shall be true statements.

EXAMPLE: "**Secondhand White Goose Feathers 100%.**"

(c) Secondhand chicken feathers shall be so labeled regardless of any admixture of feathers from turkeys or other fowl.

(d) Secondhand feathers and down shall be described on a red label not smaller than 3″ x 3″ bearing a heading "**Secondhand Material,**" said heading shall be not smaller in size than 24 point condensed Gothic type.

(e) Secondhand feathers and down stocks shall be sterilized by the method set forth in Article 6, Sterilization Regulation, effective January 1, 1942, modified only to the extent necessary to apply to bulk stocks prior to sale or prior to use in finished articles.

(f) The label shall bear a statement "**All Secondhand Material in This Article Has Been Sterilized as Required by Law.**" This statement may be used on feathers and down filled products or bulk stock only.*†

NOTE.—It shall not be the purpose of the Bureau to view the described terminology in the same manner as we would new material, but obviously no one will be permitted to label an article 100 per cent secondhand down if in fact it contains an excessive quantity of secondhand duck, goose or chicken feathers. In combinations or blends, reasonable tolerance will be allowed.

This communication should not be interpreted as a regulation, or a modification of any existing regulation other than to the extent that it applies to secondhand feathers and downs of all kinds and classes.

Article 4. Hair Regulation

1140. "**Hair**" is hereby defined as the coarse filamentous epidermal outgrowth of such mammals as horses, cattle, hogs and goats. When used in the manufacture of upholstered furniture, bedding or filling material, it shall be clean, sterile, properly cured, free from epidermis, excreta or foreign or objectionable substances or odors.*†

1141. Hair shall be classified and designated on the label as:

(a) Horse Tail Hair
(b) Horse Mane Hair
(c) Cattle Tail Hair
(d) Cattle Hide Hair
(e) Hog Hair
(f) Goat Hair.*†

*† For statutory and source citations, see note to §1100.

1142. Where hair of different origins is used in a blend, the kind and percentage by weight of each shall be stated on the label; provided, however, that a tolerance of not more than 5 per cent for variation from the percentages indicated shall be allowed in mixtures. There shall be no tolerance for admixtures where hair is labeled as 100 per cent of any given origin.*†

1143. When any other material of whatever origin is used in a mixture or blend with hair, the kind, grade and percentage by weight of each such material shall be designated on the label. A tolerance not to exceed 5 per cent for variations from the percentages indicated shall be allowed.*†

1144. Hair may be identified as to color, and if so described on the label, it shall be as represented in all respects.*†

1145. (a) When any hair set forth in Section 1141 of this Regulation has been curled, the appropriate designation shall appear on the label preceded by the word **"Curled."**

(b) Any hair which has not passed through a curling process, shall be designated on the label as **"Uncurled"** hair.

Labeling examples:

Curled Horse Tail Hair ---------- 100%
Curled Cattle Tail Hair ---------- 100%
White Curled Cattle Tail Hair (must be all white) ---------- 100%

Curled Hog Hair ---------- 15%
Curled Cattle Tail Hair ---------- 85% } 100%

Curled Cattle Tail Hair ---------- 10%
Curled Hog Hair ---------- 80%
Uncurled Hog Hair ---------- 10% } 100%

(Curled Hair and Fiber Mixture:)

Curled Hog Hair ---------- 85%
Curled Sisal Fiber ---------- 15% } 100%

Curled Cattle Tail Hair ---------- 10%
Curled Hog Hair ---------- 80%
Cattle Hide Hair ---------- 10% } 100% *†

1146. **"Hair Pad"** is hereby defined as hair interwoven or punched on burlap or any other woven material or otherwise fabricated into a pad, and shall be designated on the label as follows:

Curled Hair Pad.
Cattle Hide Hair Pad.
Curled Hair and Fiber Pad.
Rubberized Curled Hair Pad.

The kind, grade and percentages of each kind of material in the pad shall be stated. Punched pads, having a muslin or burlap back shall show the required information without reference to or inclusion of the backing or binder element.

*† For statutory and source citations, see note to §1100.

Labeling Examples:

Curled Hair Pad:

Curled Cattle Tail Hair	15%	100%
Curled Hog Hair	85%	

Curled Hair and Fiber Pad:

Curled Hog Hair	85%	100%
Curled Sisal Fiber	15%	

Rubberized Curled Hair Pad:

Curled Cattle Tail Hair	35%	100%
Curled Hog Hair	65%	

Cattle Hide Hair Pad 100%*†

Article 5. Labels

UPHOLSTERED FURNITURE LABELS

1151. A manufacturer may select any one of the following forms for the labeling of his products. All labels headed "ALL NEW MATERIAL" shall be on white linen. If secondhand material is used the label shall be on red linen with the heading "SECOND HAND MATERIAL" in place of **"ALL NEW MATERIAL."** All labels must be securely attached in a position so that they may be conveniently examined.

ALL NEW MATERIAL

_____%

_____%

Serial Number_____

Rubber stamp size 3" x 1½" permissible on dining room chairs, bedroom benches or slip seats made with a smooth wood bottom so that the stamp will be legible. A fabric bottom on slip seats must bear a linen label.

(See Sec. 19089 of Law)

*† For statutory and source citations, see note to §1100.

MAY BE USED ON UPHOLSTERED FURNITURE MADE WITHOUT LOOSE CUSHIONS OR PILLOWS

Minimum Size 3″ x 3″

Manufactured by

Do not detach this label.

ALL NEW MATERIAL

Concealed materials are in whole

NEW MATERIALS

CONTENTS

---%

---%

Serial No.	Style No.	Cover No.

This label is attached as required by law as a certification that this article is as represented.

MADE EXPRESSLY FOR

Sew this edge to furniture.

The filling contents as shown on the sample labels, need not necessarily be followed, since different manufacturers may specialize in certain classes of filling materials. Only the filling materials as actually used by the manufacturers are required to be specified on the label.

NOTE—§§1151 to 1162, inclusive, issued under the authority contained in §§ 19097, 19098 and 19157 of the Business and Professions Code. The source of §§1151 to 1162, inclusive, is Regulations adopted by the Bureau of Bedding and Furniture Inspection.

1152. Labels Suggested for Upholstered Furniture With Loose Cushions.

(a) **Type No. 1**

Size 4½" x 5" (Minimum 4" x 5")

Manufactured by

Do not detach this label.

ALL NEW MATERIAL

Concealed materials are in whole

NEW MATERIALS

CONTENTS

FRAME	CUSHIONS
Curled Hair {----------%} {----------%} ----%	Curled Hair {----------%} {----------%} ----%
	Down ----------%
	----------%
Fiber {----------%} {----------%} ----%	Inner Spring Unit----------
	Pad ----------%
Cotton Felt {Staple----------%} {Linters----------%} ----%	Cotton Felt {Staple----------%} {Linters----------%} ----%

Serial No.	Date	Style No.	Cover No.

This label is attached as required by law as a certification that this article is as represented

MADE EXPRESSLY FOR

Sew this edge to furniture.

(b) **Type No. 2**

Size 4″ x 5″

Manufactured by

Do not detach this label.

ALL NEW MATERIALS

Concealed materials are in whole

NEW MATERIALS

CONTENTS

FRAME	CUSHIONS
Curled Hair ----% ----% ---- %	Curled Hair ----% ----% ---- %
Cotton Felt Staple----% Linters----% ---- %	Cotton Felt Staple----% Linters----% ---- %
Fiber ----% ----% ---- %	Feathers and Down ----% ----% ---- %
Outsides Cotton ----	Pad ---- % Inner Spring Unit----

Serial No.	Date	Style No.	Cover No.

This label is attached as required by law as a certification that this article is as represented.

MADE EXPRESSLY FOR

Sew this edge to furniture.

(c) **Type No. 3**

To Be Used on Articles With Loose Cushions and Loose or Attached Back Pillows. Size 4½" x 6" (Minimum 4" x 5")

Manufactured by

Do not detach this label.

ALL NEW MATERIALS

Concealed materials are in whole

NEW MATERIALS

CONTENTS

Back Pillows	Seat Cushions
Kapok ----%	Pad ----%
Cotton/Felt Staple ----% / Linters ----% ---%	Cotton/Felt Staple ----% / Linters ----% ---%
Feathers and Down	Feathers and Down
----%	----%
----%	----%
Outsides	Curled Hair ----
Cotton ----%	Inner Spring Units ----

FRAME CONTENTS

Curled Hair ----% ----% ---%	Kapok ----%
	Moss ----%
Cotton/Felt Staple ----% / Linters ----% ---%	Fiber ----% ----% ----%

Serial No.	Date	Style No.	Cover No.

This label is attached as required by law as a certification that this article is as represented.

MADE EXPRESSLY FOR

Sew this edge to furniture.

(d) **Type No. 4**

To Be Used on Articles with Loose Cushions, Pillows and Pads (Upholstered Furniture, Studio Couches, etc.)

Size $4\frac{1}{2}''$ x $5''$

(Minimum $4''$ x $5''$)

Manufactured by

Do not detach this label

ALL NEW MATERIALS

Concealed materials are in whole

NEW MATERIALS

CONTENTS

FRAME	MATTRESS PADS	CUSHIONS
Curled Hair _____% _____% } ____%	Curled Hair _____% _____% } ____%	_____% _____% Pad _____%
Fiber _____% _____% } ____%	Pad _____% Fiber _____%	PILLOWS _____% _____% _____% _____%
Cotton Felt Staple_____% Linters_____% } ____%	Inner Spring Unit Cotton Felt Staple_____% Linters_____% } ____%	

Order No.	Style No.	Cover No.	Date

Serial No.	Frame

This label is attached as required by law as a certification that this article is as represented.

MADE EXPRESSLY FOR

Sew this edge to furniture.

*†

*† For statutory and source citations, see note to §1151.

1153. The following is a facsimile of a label which is to be used on all upholstered furniture which is imported from any country other than the United States, which products contain only new materials. The label must be no smaller than 4 x 5 inches, and must be on white linen:

Manufactured by

Do not detach this label.

FOREIGN FURNITURE
ALL NEW MATERIAL

Concealed materials are in whole

NEW MATERIALS

CONTENTS

FRAME UPHOLSTERY	CUSHIONS
Hair ----------%	Cotton {Staple--------%} Felt {Linters-------%} ----%
Fiber ----------%	Hair ----------%
Moss ----------%	Down ----------%
Cotton {Staple--------%} Felt {Linters-------%} ----%	----------%
	Spring Units ----------

Serial No.	Date	Style No.	Cover No.

This label is attached as required by law as a certification that this article is as represented

MADE EXPRESSLY FOR

Sew this edge to furniture

*†

*† For statutory and source citations, see note to §1151.

1154. The following is a facsimile of a label which is to be used on upholstered furniture which contains secondhand filling material. The label shall be bright red in color on linen no smaller than 4 x 5 inches:

Manufactured by

Do not detach this label.

SECONDHAND MATERIAL
FILLING MATERIAL

CONTENTS

FRAME UPHOLSTERY	CUSHIONS
Hair ____%	Cotton {Staple____%} Felt {Linters____%} ____%
Fiber ____%	Hair ____%
Moss ____%	Down ____%
Cotton {Staple____%} Felt {Linters____%} ____%	____%
	Spring Units____

Serial No.	Date	Style No.	Cover No.

This label is attached as required by law as a certification that this article is as represented.

MADE EXPRESSLY FOR

Sew this edge to furniture

*†

NOTE. It now develops that the red linen used in the Secondhand Material labels, is no longer available. This refers to Section 19099(b) of the Furniture and Bedding Inspection Act.

Therefore, under authority of Sections 19097 and 19098 of the law, hereafter it will be in order to use the color *Orange* for the Secondhand Material labels for the period of the emergency.

There shall be no change in the wording of the Secondhand Material labels, however.

*† For statutory and source citations, see note to §1151.

1155. Emergency Modification. The present emergency has created conditions beyond the control of the furniture and bedding industry, such conditions making it necessary to modify within existing provisions of law our present labeling requirements relating to the use of new and secondhand materials in the manufacture of upholstered furniture.

Pursuant to the provisions of Sections 19034 and 19157, the Chief of the Bureau of Furniture and Bedding Inspection hereby declares that an emergency exists and by reason of such emergency, a new label, to be affixed and attached to upholstered furniture in the manner hereafter set forth, is adopted and is described and to be used as follows:

(1) It shall be known as the "**combination new and secondhand material" label,** (red and white).

(2) The use of this label shall be permissible only when all filling materials (other than the filling materials used in the manufacture of the cushions) are "**all new material.**"

(3) The label shall be secured firmly to the platform of the article in the same manner as now required by existing regulation.

(4) If secondhand frame is used, it must be indicated on the red part of the label and such frame shall have been thoroughly cleaned.

(5) Secondhand feathers and down used in cushions must be sterilized loose before being introduced into the cushion. Such sterilization shall be by method prescribed in the sterilization regulation applying to secondhand feathers and down.

(6) If any secondhand material other than feathers and down is used in the cushions, the finished cushion shall be sterilized by an approved method as prescribed by the sterilization regulations relating to such material. A sterilization label shall be attached to the back border of each cushion.

(7) The description, kind and quality of filling materials shall be set forth on each label in the manner prescribed by law and regulations heretofore adopted.

(8) This label is to supplant the use of any other label where new and secondhand materials are employed in the manufacture of furniture, and is intended to cover principally secondhand feathers and down used in cushions.

(Minimum Size 4″ x 5″)

Manufact red by

NEW MATERIAL

CONTENTS

Hair _____%

Palm Fiber _____%

Moss _____%

Cotton { Staple _____% / Linters _____% } _____%

Frame

Cover No.

This label is attached as requir d by law as a certification that this article is a represented.

Serial No.	Date

Made Expr ssly For

DO NOT DETAC H THIS LABEL

SEW THIS EDGE TO FURNITURE

Secondhand Material

CONTENTS

CUSHIONS

Cotton { Staple _____% / Linters _____% } _____%

Down _____%

Fiber _____%

Feathers—Waterfowl _____%

Spring Units _____

Frame

Feathers and Down used in the cushions of this article have been Sterilized as required by law.

Style No.	Article

*†

*† For statutory and source citations, see note to §1151.

Upholstered Furniture Repairer Owner's Material Label

1156. Must be printed in black type on green linen or green muslin. May be not less than 3″ x 3″ and it must give all the necessary information. (See Sec. 19096 of law.)

THIS ARTICLE NOT FOR SALE
OWNER'S MATERIAL

This article is repaired, or renovated, under the provisions of the Furniture and Bedding Inspection Act, and this label is attached as required by the act as a certification that this article is as represented, and contains the same material as it did when it was received from the owner.

To which has been added the following:

ALL NEW MATERIAL

_____%

_____%

Repaired by _____

Address _____

Serial No._____ Date _____

Owner _____

Sew this edge to the article repaired.

*†

*† For statutory and source citations, see note to §1151.

Mattress, Pillow, Comforter and Cushion Labels

1157. A manufacturer may select any one of the following forms for the labeling of his products. All labels headed "ALL NEW MATERIAL" shall be on white linen or muslin. If secondhand material is used, the label shall be on red linen or muslin with the heading "SECONDHAND MATERIAL" in place of "ALL NEW MATERIAL."

THIS LABEL IS FOR SMALL FANCY DECORATIVE AND BOUDOIR CUSHIONS AND NOVELTIES

Size 2½" x 3"

Sew this edge to cushion.

Do not detach this label.

ALL NEW MATERIAL

Filling Material

----------%

----------%

This label is attached as required by law as a certification that this article is as represented

Serial No._____ **Style No.**_____

Manufactured by

*†

*† For statutory and source citations, see note to §1151.

1158. Suggested Comforter and Pillow Label.

Size 3″ x 4″

(Minimum 3″ x 3″)

Sew this edge to article
ALL NEW MATERIALS **Concealed materials are in whole** **NEW MATERIALS**
CONTENTS _____% _____%
Serial No. \| Cover No. \| Size
Net Weight of Filling Material
This label is attached as required by law as a certification that this article is as represented.
Do not detach this label. Made Expressly For _____ Manufactured by

*†

*† For statutory and source citations, see note to §1151.

1159. Suggested Mattress and Mattress Pad Label.

Size 4″ x 5″

(Minimum 3″ x 3″)

Sew this edge to mattress.

ALL NEW MATERIALS

Concealed materials are in whole

NEW MATERIALS

CONTENTS

_____%

_____%

Inner spring construction_____

Size	Net weight

Serial No.	Style No.	Cover No.

This label is attached as required by law as a certification that this article is as represented

Do not detach this label.

Date	Order No.

MADE EXPRESSLY FOR

Manufactured by

*†

*† For statutory and source citations, see note to §1151.

1160. (a) The following are facsimiles of labels which are to be used on any articles of bedding which contain secondhand filling material. The labels shall be bright red in color on linen or muslin no smaller than 3″ x 3″:

(Mattress label)

Sew this edge to mattress.

Do not detach this label.

Secondhand Material

FILLING MATERIAL

----------%

----------%

Inner Spring Construction----------

Size	Net Weight ---------- Lbs.

SERIAL NO.	DATE	COVER NO.

This label is attached as required by law as a certification that this article is as represented.

MADE EXPRESSLY FOR

Manufactured by

(b) Comforter, Cushion and Pillow Label.

(Cushion label)

Sew this edge to article.

Do not detach this label.

Secondhand Material

FILLING MATERIAL

----------%

----------%

This label is attached as required by law as a certification that this article is as represented.

SERIAL NO.	SIZE

Net Weight of Filling Material

MADE EXPRESSLY FOR

Manufactured by

*†

*† For statutory and source citations, see note to §1151.

Mattress Renovators—Owner's Material Label

1161. Must be printed in black ink on green linen or green muslin. May not be less than 3″ x 3″ and it must give all the necessary information.

Sew this edge to the article renovated

THIS ARTICLE NOT FOR SALE
OWNER'S MATERIAL

This article is repaired or renovated under the provisions of the Furniture and Bedding Inspection Act, and this label is attached as required by the act as a certification that this article is as represented, and contains the same material as it did when it was received from the owner.

To which has been added the following:

ALL NEW MATERIAL

_____%

_____%

Renovated by _____

Address _____

Serial No._____**Date** _____

Owner _____

*†

*† For statutory and source citations, see note to §1151.

Sterilization Labels

1162. This is a facsimile of the label approved by the Bureau.

State of California
Department of Professional and Vocational Standards
BUREAU OF FURNITURE AND BEDDING INSPECTION

SECONDHAND ARTICLE STERILIZED

BY A PROCESS APPROVED PURSUANT TO ARTICLE 6 OF THE FURNITURE AND BEDDING INSPECTION ACT

Lot No._____ Plant Serial Number_____
Article _____
With _____
Name _____
Date _____

NAME OF STERILIZING PLANT

No._____

Do not detach or deface

The sterilizer shall affix to each article sterilized, the regular approved sterilization label as evidence that the article has been sterilized and shall keep a record of the data showing disposition of each and every label, which record, at all times, shall be accessible to the Chief and the Inspectors.*†

*† For statutory and source citations, see note to §1151.

Article 6. Sterilization Regulation

1182. Application. Every applicant for permission to operate a sterilizing plant shall furnish with such application detailed plans in duplicate (2 copies) of the proposed equipment, in addition to data required in Section 19122 of Article 6 of the Furniture and Bedding Inspection Act. Such proposed plant shall not be placed in commercial operation until a certificate of approval has been issued by the Bureau.*†

1183. Approval. The Board of Health of the State of California, by virtue of its authority, approves of the sterilization and disinfection

*† For statutory and source citations, see note to §1100.

of those articles or materials subject to the Furniture and Bedding Inspection Act, and hereby promulgates methods by which sterilization or disinfection may be accomplished.*†

1184. (a) **Method of Sterilization.** Unless otherwise specifically provided for, the Chief of the Bureau or any Inspector may determine the method to be employed in the sterilization of any article or material subject to the provisions of the Furniture and Bedding Inspection Act.

(b) **Feathers and Downs Sterilization.** Feathers and downs may be sterilized only by the methods provided therefor as set forth in Section 1187 of this Regulation.

(c) **Secondhand Cotton or Wool Sterilization.** Secondhand cotton or wool which is filthy or stained or has a disagreeable odor, or is otherwise contaminated and is, therefore, unfit for use, shall be sterilized by the wet method as set forth in Section 1188 of this Regulation.*†

1185. Vacuum Chemical Method. Vacuum chamber having a capacity of 500 cubic feet is placed under 29 inch vacuum. Three quarts of formaldehyde 40 per cent solution and three pounds of potassium permanganate are placed in a water-jacketed auxiliary tank previously heated to 120° Fahrenheit, and the formalin vapors introduced slowly into the chamber. The vacuum drops to about 26 inches. This is followed by a dosage of carbon dioxide gas which drops the vacuum to 24 inches. Next is introduced one-half gallon of carbon disulfide by running it through several feet of coil in another water-jacketed auxiliary tank previously heated to 180° Fahrenheit. This gives a reading of about 24 inches. Finally another two inches of carbon dioxide is passed into the tank, giving a vacuum of about 22 inches. All valves are tightly closed and the sterilizer held at this vacuum for a period of two hours. At the end of this time air is admitted until the gauge reads 0. The chamber is pumped out to 25 inches of vacuum twice to remove the fumes, and then opened.*†

1186. Dry Heat Method. Sterilization by the dry heat method requires developing and holding a temperature of 230° F. for a period of one hour in an approved cabinet. Thirty-two ounces of formaldehyde must be vaporized in an approved receptacle during the period of sterilization, for every 1000 cubic feet of cabinet displacement. All cabinets shall be equipped with racks or devices and the articles to be sterilized shall be so placed therein that complete circulation of heat and gases around every article being sterilized shall be attained, and so that the required heat shall be uniform in all parts of the cabinet. All cabinets shall be insulated sufficiently to insure the holding of heat and shall be equipped with a recording thermometer approved by the Bureau, which will record permanently and accurately the heat used during the process.*†

1187. Method of Sterilizing or Renovating Secondhand Feathers and Down. The feathers from each customer shall be separately treated and not combined with feathers from other sources.

*† For statutory and source citations, see note to §1100.

In sterilizing feather pillows, contents must be removed from ticks and the feathers or down sterilized loose.

Ticking must be dry-cleaned or laundered in water of a temperature of not less than 212° F. or new ticking used.

The loose feathers must be placed in a closed receptacle and subjected to streaming live steam out of jets of not less than one-quarter inch in diameter.

One jet must be installed in receptacle for every 50 cubic feet of displacement.

Pressure of steam mentioned below is to be indicated by two gauges on outside of receptacle, one to be 12 inches from top and one 12 inches from bottom of receptacle, both to register not less than pressure stated below.

Where 15-pound pressure is used, the steam treatment shall be for at least 30 minutes' duration in receptacle.

Where 20-pound pressure is used, the steam treatment shall be for at least 20 minutes' duration in receptacle.

The streaming steam must be injected while the feathers are in motion to bring about a complete sterilization, after which steam must be forced out of chamber and the feathers subjected to a temperature of not less than 230° F. of heat for a period of not less than 30 minutes.

The Muroza or kindred types of feather and down sterilizers may be used, provided they comply with Sections 1182 and 1183 of this Regulation, and the following formula:

(a) The sterilizing chamber must be first heated to 290° F;

(b) Steam pressure of 100 pounds developed;

(c) The feathers are then drawn into the sterilizing chamber and subjected to one minute of streaming live steam;

(d) Then subjected to seven and one-half minutes of dry heat at not less 290° F.*†

1188. Wet Method. Immerse in water, maintained at a temperature of 212° F. for at least 10 minutes, with proper arrangements for agitation of the material while in the vat, after which any portion of the material shall pass through a hole one and one-half inches in diameter.*†

1189. Steam Under Pressure. By subjecting to steam under pressure for a period of 30 minutes, the pressure of the steam to be a minimum of 15 pounds per square inch, the temperature of the steam to be a minimum of 248° F. A properly checked steam pressure gauge and a thermometer, both visible from the outside of the chamber, shall be provided.*†

1190. Use of Methyl Bromide. Tests made by the Bureau of Furniture and Bedding Inspection in sterilizing plants approved by the Bureau, indicate that methyl bromide, when used as a fumigant or sterilization agent, will effect a satisfactory "kill."

The use of methyl bromide, however, has not been approved by the State Board of Health as a fumigant or sterilization agent, and therefore it does not have the official approval of this Bureau. The principle reason set forth by the Board of Health for nonapproval is that sufficient tests have not been made to determine its efficacy and that, when concentration of more than 32 parts per million of methyl bromide have been

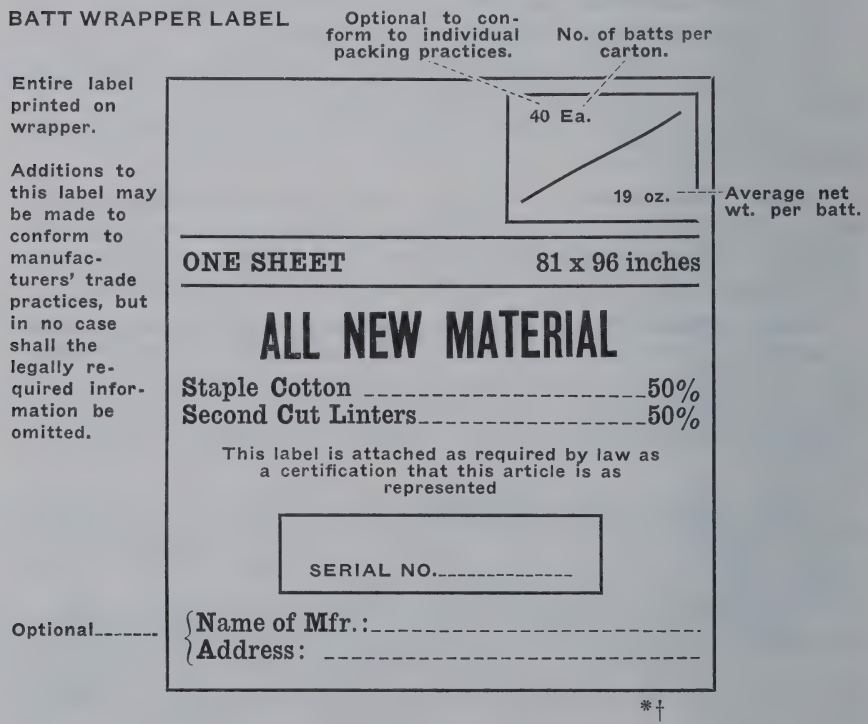
used, cases of poisoning have occurred in persons exposed to such concentrations. It is considered toxic and its use in a sterilizing plant is wholly the responsibility of the user.*†

*† For statutory and source citations, see note to §1100.

Article 7. Supply Dealer Regulation

1193. Labels. All filling materials must be labeled in compliance with Article 5 of the Furniture and Bedding Inspection Act and Regulations made pursuant thereto.*†

1194. Batts. Labels, paper sleeves, cartons, wrappers or containers of any kind for individual cotton or wool batts, or batts made of any other material or combination of materials, concealed or not concealed, shall show the grades and percentages of filling materials used, and the statement: "This label is attached as required by law as a certification that this article is as represented"; the size in length and breadth expressed in inches preceded by the statement that the batt is "ONE SHEET," printed or stamped not smaller than 24-point condensed Gothic type; the average net avoirdupois weight, expressed in ounces (maximum deviation from stated net weight shall be plus or minus one ounce per pound of batt material), and the Serial Number of the Manufacturer or Supply Dealer. The label shall not be smaller than six square inches in area.



*† For statutory and source citations, see note to §1100 and §1151.

1195. Felt. Felt made of any material or any combination of materials, for use in upholstered furniture or bedding shall be labeled or stenciled as set forth in the appropriate filling material Regulations. Labels or stencils shall show avoirdupois weight per yard of felt in ounces; width of felt and kinds and grades of materials used and percentages of each together with the Serial Number of the Manufacturer or Supply Dealer.

(FACSIMILE OF FELT STENCIL)

ALL NEW MATERIAL

Cotton Felt----{10% Staple / 90% Mill Run Linters

Width:---------- Wt. per Yd.:--------

Serial No.----------

(FACSIMILE OF FELT LABEL)

(Do not detach or deface)

ALL NEW MATERIAL

----------%

----------%

Width:---------- Wt. per Yd.:--------

This label is attached as required by law as a certification that this material is as represented

Serial No.----------

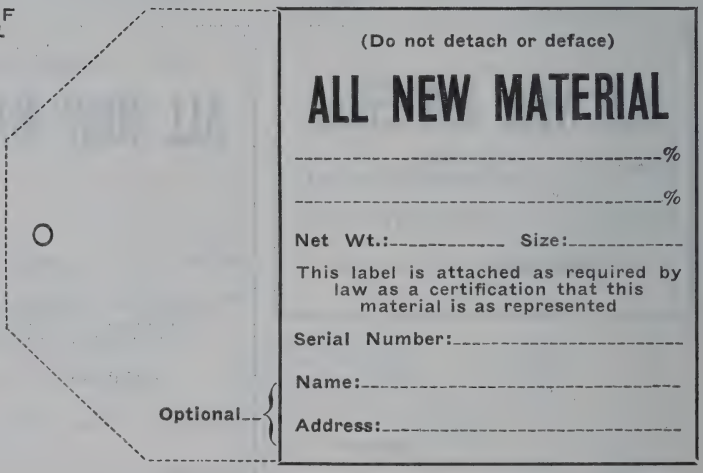
Optional------{ Name:---------- / Address:----------

*†

*† For statutory and source citations, see note to §1100 and §1151.

1196. Pads. Pads whether punched, interlaced or felted and made of any materials for use in upholstered furniture or bedding shall be tagged or labeled showing width and length in inches, avoirdupois weight per pad and kinds and grades of materials used and percentages of each, together with the Serial Number of the Manufacturer or Supply Dealer. Punched pads having a muslin or burlap back shall show the required information without reference to or inclusion of the backing or binder element.

(FACSIMILE OF TAG OR LABEL FOR PADS:)



*†

*† For statutory and source citations, see note to §1100 and §1151.

Bulk Materials

1197. All filling materials sold in bulk or packages and intended for use in the manufacture of upholstered furniture or bedding, shall be tagged or labeled in accordance with the regulations covering the labeling of each kind of filling material; shall show the net avoirdupois weight; the kinds and grades of materials used with the percentage of each, together with the Serial Number of the Manufacturer or Supply Dealer.

(a) (FACSIMILE OF GUMMED LABEL FOR BULK MATERIALS)

PAPER PACKAGE MATERIALS
(Kapok, Down, etc.)
Entire Label May Be Printed on Container

(Do not detach or deface)

ALL NEW MATERIAL

_____%

_____%

Net Weight:_____

This label is attached as required by law as a certification that this material is as represented

Serial No._____

Optional— Name:_____

Address:_____

(b) TAG OR CLOTH LABEL
(FOR CLOTH BAGS OR CONTAINERS.)



*†

*† For statutory and source citations, see note to §1100 and §1151.

(e) Protein supplements such as meat scraps, soya bean oil meal, sesame meal, coconut meal, peanut meal, or other recognized protein supplements may be used only in their true supplemental relation. A total of 15 per cent by weight of protein supplement can be used in proportion to the total weight of fresh and/or frozen or cured meat and/or meat by-products and/or fish content in the finished products as defined above.

10113. Standards—Chemical Analysis.

(a) Protein content—a minimum of 10 per cent total protein, 75 per cent of which must be of animal origin. This means that the product must contain at least 7.5 per cent minimum protein of animal origin.

NOTE.—Protein of animal origin is interpreted to mean protein from meat and meat by-products either fresh or cured or both which is clean and wholesome.

(b) Fat content—a minimum of 2 per cent

(c) Crude fiber content—a maximum of 1 per cent

(d) Carbohydrates—a maximum of

(e) Calcium—a minimum of

(f) Phosphorus—a minimum of

(g) Calories per can—a minimum of

(h) Moisture—a maximum of 75 per cent

The packer shall have a chemical analysis made to determine the above. The same shall be on file and shall be at the disposal of the Department of Public Health.

10114. Label. (a) The label of all canned dog food must bear imprinted thereon in a legible manner the following:

Guaranteed Analysis
by
Method
Association of Official Agricultural Chemists

Crude Protein	a minimum	10%
Crude Fat	a minimum	2%
Crude Fiber	a maximum	1%

(b) The label must likewise have imprinted thereon a statement of the ingredients specifying the common or usual name of each ingredient used in the manufacture in order of their preponderance as to weight. This shall appear in a clear and conspicuous place on the label in legible type.

10115. Ingredients Used in Manufacture. (a) All meat and meat by-products, protein supplements, cereals, vegetables, and other accessory food products used in the manufacture of dog food, cat food, etc. must be sound and wholesome and meet the requirements of the Health and Safety Code.

The use of "**screenings**" of any kind is prohibited.

10116. Restrictions. (a) All labels must comply with the provisions of Section 26490, Health and Safety Code.

(b) The terms **"fit for human food"** or **"fit for human consumption"** are prohibited on the labels or in advertisements of canned dog foods.

10117. Dog Food Sterilization Processes.

Size up to No. 1 Tall Can, Inclusive

240° F. for 100 minutes
245° F. for 90 minutes
250° F. for 80 minutes
Initial Temperature 160° F.

10118. Meat By-products and Raw Material. All fresh stomachs, intestines and by-products of all animals slaughtered, which are to be used in the manufacture of canned dog food, must be thoroughly washed, scraped and inspected for foreign contamination to-wit: Metal objects, nails, tacks, steel wire, needles and various other foreign substances which may have entered the intestinal tract or stomach of the animal during life and which can only be detected by thorough inspection and the use of an electro-magnet.

10119. Magnet to Remove Metal Objects. (a) All animal food canners are hereby required to have installed between the filling machine and the kettle a magnet such as an electro-magnet or a permanent magnet—having a holding power of 125 pounds per square inch.

(b) The magnet shall be so fitted and installed that the material to be canned shall pass over the magnet in a relatively thin flat stream with a magnetic exposure area 6″x10″ or larger.

(c) If an electro-magnet is installed it shall be so fitted with a trap that in the event of power failure the material already caught by the magnet will not pass to the filler.

Article 3. Arsenic Tolerance in Animal Foods

10124. Arsenic Tolerance in Animal Foods. Under the provisions of Health and Safety Code, Section 26542, Regulations for Tolerance for Arsenic and Lead in Animal Foods, are promulgated by the State Board of Health as follows:

Arsenic may be safely used in animal food to the point of $\frac{1}{20}$ grain per pound and $\frac{1}{60}$ grain lead per pound average dose.

Article 4. Use of Secondhand Barrels as Food Containers

10134. Use of Secondhand Barrels as Food Containers. Under the provisions of Health and Safety Code, Section 26542, Regulations for the use of secondhand barrels as food containers, are promulgated by the State Board of Public Health as follows:

The use of secondhand wooden barrels or kegs for the storage or conveyance of food products is hereby prohibited unless same have previously been used as containers for foods or food products.

2017. Reinstatement of License Forfeited for Nonpayment of License Fee. (a) An application for reinstatement or restoration of a license which has been forfeited for failure to pay the annual license fee shall be submitted on a form prescribed and provided by the board accompanied by such evidence, statements, or documents as to the applicant's activities during the period of forfeiture as therein required.

(b) In the event a forfeiture for nonpayment of the annual license fee has been in effect for more than one year, a hearing on an application for reinstatement or restoration of a license shall be held in accordance with the provisions of Chapter 5, Part 1, Division 3, Title 2 of the Government Code.*†

Article 3. Veterinary Colleges

2022. Recognized Veterinary Colleges. (a) In accordance with the provisions of Section 4846 of the Business and Professions Code, the board recognizes the following veterinary colleges:

(1) Alabama Polytechnic Institute, College of Veterinary Medicine, Auburn, Alabama.

(2) Colorado State College, Division of Veterinary Medicine, Fort Collins, Colorado.

(3) Iowa State College, Division of Veterinary Medicine, Ames, Iowa.

(4) Kansas State College, School of Veterinary Medicine, Manhattan, Kansas.

(5) Michigan State College, Division of Veterinary Science, East Lansing, Michigan.

(6) Ecole Medecine Veterinaire de la Province de Quebec, Universite de Montreal, La Trappe, Quebec, Canada.

(7) New York State Veterinary College, Cornell University, Ithaca, New York.

(8) Ohio State University, College of Veterinary Medicine, Columbus, Ohio.

(9) Ontario Veterinary College, University of Toronto, Guelph, Ontario, Canada.

(10) University of Pennsylvania, School of Veterinary Medicine, Philadelphia, Pennsylvania.

(11) Texas Agricultural and Mechanical College, School of Veterinary Medicine, College Station, Texas.

*† For statutory and source citations, see note to §2000.

(12) State College of Washington, College of Veterinary Medicine, Pullman, Washington.

(b) The recognition of a veterinary college of a foreign country, except as listed in subsection (a) hereof, shall be passed upon and determined at the time application for examination for a license to practice veterinary medicine is made by a graduate therefrom.*† (§§2000 to 2022, inclusive, filed 10-25-46; effective 10-25-46.)

*† For statutory and source citations, see note to §2000.

CHAPTER 17. CALIFORNIA STATE BOARD OF PHARMACY

Printed December 5, 1946

Article
1. General Provisions
2. Pharmacies
3. Licentiates in Pharmacy
4. Schools or Colleges of Pharmacy
5. Prophylactics
6. Dangerous Drugs
7. Fees and Penalties

Article 1. General Provisions

1700. Location of Offices. The principal office of the California State Board of Pharmacy is located at 515 Van Ness Avenue, San Francisco 2, California, and a branch office is located at 907 California State Building, Los Angeles 12, California.

NOTE.—§§1700 to 1728, inclusive, issued under authority contained in Sections 4009 and 4010 of the Business and Professions Code. §§1733 to 1739, inclusive, issued under authority contained in Section 21208 of the Business and Professions Code. §1744 issued under authority contained in Section 29041 of the Health and Safety Code. §§1749(a) and 1749(b) issued under authority contained in Section 4256 of the Business and Professions Code. §1749(c) issued under authority contained in Section 21208 of the Business and Professions Code. Source of §§1700 to 1749, inclusive, is the Rules and Regulations of the California State Board of Pharmacy.

1701. Tenses, Gender, and Number. For the purpose of the rules and regulations contained in this subchapter, the present tense includes the past and future tenses, and the future, the present; each gender includes the other two genders; and the singular includes the plural and the plural, the singular.*†

1702. Definitions. For the purpose of the rules and regulations contained in this subchapter, the term "Board" means the California State Board of Pharmacy.*†

1703. Delegation of Certain Functions. The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpenas and subpenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the secretary, or, in his absence from the office of the Board, the acting secretary.*†

1704. Filing of Addresses. Each person holding a certificate of registration, license, permit or any other authority to practice or engage in any activity in the State of California under any and all laws adminis-

*† For statutory and source citations, see note to §1700.

tered by the Board shall file his proper and current mailing address with the Board at its office in San Francisco and shall immediately notify the Board at its said office of any and all changes of mailing address, giving both his old and his new address. *†

Article 2. Pharmacies

1709. Application for Permit to Conduct Pharmacy. An application for a permit to conduct a pharmacy shall be submitted on an application form prescribed and provided by the Board, accompanied by such evidence, statements, or documents as therein required, and filed with the Board at its office in San Francisco. *†

1710. Supply of Drugs and Chemicals. (a) The owner of a pharmacy in which prescriptions are compounded shall maintain in such pharmacy an adequate supply of drugs and chemicals. Such drugs and chemicals shall meet all standards of strength and purity as established in the current edition of U.S.P. and N.F. and shall be properly stored. Pharmaceuticals which vary from the purity specified on the label or are unfit for use due to deterioration or other causes shall not be carried in stock.

(b) The owner of a pharmacy in which prescriptions are compounded shall maintain in such pharmacy a representative stock, as commonly found in drug stores, of the following: Fluid extracts; tinctures; spirits; medicinal waters; elixirs; household drugs, both wet and dry; pills and tablets; chemicals; ointments; extracts; pharmaceuticals; and biologics. *†

1711. Equipment and Miscellaneous Supplies. The owner of a pharmacy in which prescriptions are compounded shall maintain in such pharmacy at least the following equipment and miscellaneous supplies: One suitable prescription scale, accurate to one-half grain; weights, either apothecary set from one-half grain to one ounce, or metric set from 10 milligrams to 50 grams; at least six graduates, varying in size from 2 drams to 16 ounces; at least four mortars, together with pestles, glass or Wedgewood, ranging in size from 2 ounces to 16 ounces; at least four spatulas of assorted sizes; funnels, glass or plastic, at least three assorted sizes; pill tile, glass or porcelain; ointment slab; a reasonable amount of consumable material, filter paper, powder papers, litmus paper, empty capsules, ointment jars, bottles, pill and powder boxes, labels and distilled water; exempt narcotic and poison record book and suitable prescription file; adequate supply of prescription and poison labels; and a current U.S.P. and N.F. *†

1712. Posting Schedules of Official Antidotes. The owner of a pharmacy in which prescriptions are compounded shall post the schedule of antidotes for various poisons adopted by the Board pursuant to the provisions of Section 3 of the Poison Law (Stats. 1907, Chapter 102, page 124, as amended) in a conspicuous place in such pharmacy. *†

1713. Clean and Orderly Condition of Pharmacy. The owner of a pharmacy in which prescriptions are compounded shall maintain such pharmacy and the equipment therein in a clean and orderly condition. *†

*† For statutory and source citations, see note to §1700.

(b) A request for review must be filed with the Board in Sacramento at least two (2) weeks prior to the next regular meeting following the examination in which the applicant failed.

(c) No examination paper will be reviewed by the Board if the applicant has received a general average of less than 74-5/9 percent or received less than 60 percent in more than one subject.

(d) When a request for review has been filed by an applicant who has been given a general average of 74-5/9 percent and has not received less than 60 percent in more than one subject, the requested review of his examination shall be conducted by the nine examiners at the next regular meeting of the Board. *†

1327. Failure in Two Oral Examinations. An applicant failing in two (2) oral examinations within any twelve (12) months' period shall not be admitted to a third oral examination until a period of one (1) year has elapsed from the date of the second failure. *†

Article 6. Foreign Medical School Graduates

1330. Requirements of Foreign Medical School Graduates. (a) A graduate of an approved foreign medical school who has filed with the Board on or before March 31, 1941, the Board's Form 172-173, duly completed, or in lieu thereof, who presents evidence satisfactory to the Board that on or before March 31, 1941, such applicant had been accepted as an intern by a hospital approved by the Board for the training of interns, said internship to commence not later than January 1, 1942, shall be deemed to have registered as an intern within the meaning of Statutes 1941, Chapter 751, and shall, upon complying with the other requirements of law, be admitted to written examination.

(b) An applicant seeking to qualify under the latter of the above-mentioned alternative methods, shall furnish to the Board either originals or photostatic copies of all correspondence, contracts and other documents between the applicant and the hospital, establishing the fact of acceptance by said hospital.

(c) The requirements of Section 2193 (d) of the code shall be deemed to have been met by the applicant therein referred to, only if the senior or fourth year is completed in one (1) approved medical school in the United States, or when the one year's rotating internship exacted of foreign medical school graduates has been completed in one (1) hospital located in the United States and approved by the Board for the training of interns.

(d) The following hospitals, and no others, are hereby approved by this Board for the training of interms in accordance with Section 2193 of the code, namely:

*† For statutory and source citations, see note to §1300.

Name of Hospital	*Location*
San Joaquin General Hospital	French Camp
General Hospital of Fresno County	Fresno
Glendale Sanitarium and Hospital	Glendale
Loma Linda Sanitarium and Hospital	Loma Linda
California Hospital	Los Angeles
Cedars of Lebanon Hospital	Los Angeles
Hospital of the Good Samaritan	Los Angeles
Presbyterian Hospital—Olmsted Memorial	Los Angeles
Los Angeles County Hospital	Los Angeles
Queen of Angels Hospital	Los Angeles
St. Vincent's Hospital	Los Angeles
Santa Fe Coast Lines Hospital	Los Angeles
White Memorial Hospital	Los Angeles
Highland-Alameda County Hospital	Oakland
Permanente Foundation Hospital	Oakland
Orange County General Hospital	Orange
Collis P. and Howard Huntington Memorial Hospital	Pasadena
Sacramento County Hospital	Sacramento
San Bernardino County Charity Hospital	San Bernardino
San Diego County General Hospital	San Diego
Children's Hospital	San Francisco
Franklin Hospital	San Francisco
French Hospital	San Francisco
Mary's Help Hospital	San Francisco
Mount Zion Hospital	San Francisco
St. Joseph's Hospital	San Francisco
St. Luke's Hospital	San Francisco
St. Mary's Hospital	San Francisco
San Francisco Hospital	San Francisco
Southern Pacific General Hospital	San Francisco
United States Marine Hospital	San Francisco
Santa Clara County Hospital	San Jose
St. Francis Hospital	Santa Barbara
Santa Barbara Cottage Hospital	Santa Barbara
Santa Barbara General Hospital	Santa Barbara
Santa Monica Hospital	Santa Monica

and other hospitals located in the United States but outside the State of California that meet the standards of the American Medical Association, Council on Medical Education and Hospitals, for a rotating type internship.

The foregoing approval of the Board is effective as of the tenth day of June, 1946, and until further order of the Board. The said approval is without prejudice to, and shall not be deemed to have affected, the standing, status or approval of any hospital for the training of interns for the purposes of Section 2193 of the code, or the consideration of any such hospitals by the Board, whether approved or otherwise, at any time or for any period prior to said tenth day of June, 1946, which standing, status and approval of such hospitals and each and any of them, shall be and remain as determined by the Board prior to said tenth day of June, 1946.

(e) The following hospitals are hereby approved by the Board for the training of interns in accordance with Section 2193 of the code effective as of October 24, 1946, namely:

Name of Hospital	*Location*
Mercy Hospital	San Diego
St. John's Hospital	Santa Monica

*† For statutory and source citations, see note to §1300.

The following hospital is hereby approved by the Board for the training of interns in accordance with Section 2193 of the code effective as of May 10, 1947, namely:

Name of Hospital	*Location*
Herrick Memorial Hospital	Berkeley

(Filed 6-4-47)

(f) A graduate of a foreign medical school who holds a National Board diplomate certificate, dated September 15, 1935, or subsequent thereto, and who seeks to file an application for a California certificate based on a diplomate certificate, must produce evidence satisfactory to the Board that prior to his having been admitted to examination by the National Board, he had completed the additional requirements exacted of a foreign medical school graduate, as set forth in the code (Chapter 5, Division 2) effective on the date the applicant was admitted to written examination by the National Board.

(g) Applicants, including those applying for reciprocity upon a license from another state, a certificate issued by the National Board of Medical Examiners, or a commission as a medical officer in the United States Army, Navy, or Public Health Service upon graduation from foreign schools, whose resident professional instruction has been secured in teaching institutions located outside the United States and Canada and whose credentials are found sufficient in form by the Credentials committee and the Board, shall be given and shall successfully take a written, oral and clinical examination suitable and sufficient to indicate the quality and sufficiency of his resident professional instruction.*†
(Filed April 4, 1947; effective April 4, 1947.)

Article 7. Hospitals

1341. Approval of Hospitals for Treatment of Narcotic Addicts. (a) Upon application hospitals will be examined and if approved by the Board may then accept persons for treatment of narcotic addiction.

(b) The following hospitals are hereby approved by the Board for the training of interns in accordance with Section 2147.5 of the code effective as of October 24, 1946, namely:

Name of Hospital	*Location*
Mercy Hospital	San Diego
St. John's Hospital	Santa Monica

The following hospital is hereby approved by the Board for the training of interns in accordance with Section 2147.5 of the code effective as of May 10, 1947, namely:

Name of Hospital	*Location*
Herrick Memorial Hospital	Berkeley

(Filed 6-4-47)

*† For statutory and source citations, see note to §1300.

1342. Hospitals Approved for Training Interns. (a) The following hospitals, and no others are hereby approved by the Board for the training of interns in accordance with Section 2147.5 of the code, namely:

Name of Hospital	*Location*
San Joaquin General Hospital	French Camp
General Hospital of Fresno County	Fresno
Glendale Sanitarium and Hospital	Glendale
Loma Linda Sanitorium and Hospital	Loma Linda
California Hospital	Los Angeles
Cedars of Lebanon Hospital	Los Angeles
Hospital of the Good Samaritan	Los Angeles
Presbyterian Hospital—Olmsted Memorial	Los Angeles
Los Angeles County Hospital	Los Angeles
Queen of Angels Hospital	Los Angeles
St. Vincent's Hospital	Los Angeles
Santa Fe Coast Lines Hospital	Los Angeles
White Memorial Hospital	Los Angeles
Highland-Alameda County Hospital	Oakland
Permanente Foundation Hospital	Oakland
Orange County General Hospital	Orange
Collis P. and Howard Huntington Memorial Hospital	Pasadena
Sacramento County Hospital	Sacramento
San Bernardino County Charity Hospital	San Bernardino
San Diego County General Hospital	San Diego
Children's Hospital	San Francisco
Franklin Hospital	San Francisco
French Hospital	San Francisco
Mary's Help Hospital	San Francisco
Mount Zion Hospital	San Francisco
St. Joseph's Hospital	San Francisco
St. Luke's Hospital	San Francisco
St. Mary's Hospital	San Francisco
San Francisco Hospital	San Francisco
Southern Pacific General Hospital	San Francisco
Stanford University Hospital	San Francisco
United States Marine Hospital	San Francisco
University of California Hospital	San Francisco
Santa Clara County Hospital	San Jose
St. Francis Hospital	Santa Barbara
Santa Barbara Cottage Hospital	Santa Barbara
Santa Barbara General Hospital	Santa Barbara
Santa Monica Hospital	Santa Monica

The foregoing approval of the Board is effective as of the tenth day of June 1946, and until further order of the Board. The approval is without prejudice to, and shall not be deemed to have affected, the standing, status or approval of any hospital for the training of interns for the purposes of Section 2147.5 of the code, or the consideration of any such hospitals by the Board, whether approved or otherwise, at any time or for any period prior to said tenth day of June 1946, which standing, status and approval of such hospitals, and each and any of them, shall be and remain as determined by the Board prior to said tenth day of June 1946.

(b) The following hospitals are hereby approved by the Board for the training of interns in accordance with Section 2147.5 of the code effective as of October 24, 1946, namely:

Name of Hospital	*Location*
Mercy Hospital	San Diego
St. John's Hospital	Santa Monica

*† For statutory and source citations, see note to §1300.

Article 8. Certificates

1346. Form of Certificates. (a) The Board shall formally adopt each form of certificate issued. Each class of certificate shall bear a letter designating the class thereof, followed by a serial number to establish its identity and to effectuate a numerical record.

(b) All reciprocity certificates issued after oral examination shall have a designating stamp thereon in the form prescribed by the Board.

*† For statutory and source citations, see note to §1300.

(c) All certificates issued under Sections 2,210 to 2,216, inclusive, of the code (Government Credentials) shall have a designating stamp thereon in the form prescribed by the Board.

1347. Duplicate Certificates. A duplicate certificate will be issues to any licentiate who files a fee of two dollars ($2) and an affidavit on the form adopted by the Board certifying to loss or destruction of the original certificate. A recent photograph of the licentiate with a completed affidavit paster (Form 41-A) affixed to the reverse side must accompany each request for a duplicate certificate. The duplicate shall bear the same number and date as the original certificate and have the word "Duplicate" printed across the face thereof, together with the date the duplicate was issued.*†

1348. Change of Name. Each licentiate whose name has been changed by marriage must complete and file printed Form 85, furnished by the Board. Whenever the name of the licentiate has been changed by court order, said licentiate shall complete printed Form 89 furnished by the Board, to which shall be attached a certified copy of court record authorizing the change of name. In either instance the original certificate of such licentiate, shall be returned to the office of the Board so that endorsement of change of name may be made on the records of the Board, and a duplicate certificate issued. A photograph of the applicant taken within sixty (60) days must accompany the affidavit. Said photograph must have affixed to the reverse side the required affidavit on printed Form 41-A.*†

Article 9. Modification of Probation and Restoration of Revoked Certificates

1353. Petitions for Modification of Probation. (a) Consideration will be given to a request for modification of probation only when a formal request for such has been filed in the office of the Board at Sacramento at least thirty (30) days before a regular meeting of the Board.

(b) Such a request must be accompanied by letters of endorsement or recommendation from two leading physicians and two citizens in the community in which the petitioner resides.

(c) A petition for termination or modification of probation shall not be heard by the Board for a period of one (1) year following the date of the Board's decision or following the date of a prior denial of a similar petition or application.*†

1354. Petitions for Restoration of Revoked Certificates, Including Petitions for Modification of Probation. An application for restoration and modification or termination of probation shall be submitted on a form approved and furnished by the Board and said application shall be accompanied by recommendations required by Section 2376.5 of the code.*†

*† For statutory and source citations, see note to §1300.

Article 10. Schools and Colleges

1359. Advanced Standing in Approved Schools. (a) A student shall not be accepted for advanced standing upon credits received or work taken in any except an approved school.

(b) In granting advanced standing no condition of any kind shall be allowed in the preliminary requirements. The school accepting a student for advanced standing must inspect and pass on the original credentials and make a certified copy available as a part of any subsequent application for written examination.

(c) In case of an application for transfer from one approved school to another, the standing of the applicant in the school from which he desires to transfer must be obtained directly from that school under its official seal and signature of the proper officer of such school and must not pass through the hands of the applicant.

(d) Advanced standing shall not be given to an applicant transferring from an approved school whose record shows "conditions" in any one collegiate year in more than one major subject and more than one minor subject. Failures and conditions in all subjects must be cleared by examination before an applicant shall be admitted to advanced standing or be advanced to the next higher class.

(e) Advanced standing shall not be allowed where the applicant has failed to pass the regular examination given to all members of the same class by the school from which he transferred. A school shall not admit to advanced standing a student transferring from another school unless said student files with the school of last matriculation satisfactory documents showing that he has satisfied all of the requirements of any prior approved schools where previously he had been a student.

(f) A re-examination on conditions shall not be given by either school until the school has been furnished with satisfactory evidence that actual work under instruction in all the subjects of failure has been taken by the applicant during the interval between the examination at which he originally failed and the date of the re-examination given him.*†

1360. Report of Matriculants in Approved Drugless Practitioner and Chiropody Schools. An approved drugless and chiropody school in the State of California shall submit to the Board at Sacramento within ten (10) days after the commencement of each semester or immediately on request of the secretary a typewritten alphabetical list of matriculants of each class under instruction. This report shall include the preliminary, pre-medical and professional education of each student. The Board shall be furnished with a satisfactory explanation of any addition of names to said list subsequent to the date of filing. A special notation with an explanation shall be made in the instance of a student admitted to advanced standing. *†

1361. Advanced Standing in Drugless Practitioner School. (a) Documents satisfactory to the Board, showing the prior record, educational status, subjects and hours completed by the matriculants, as

*† For statutory and source citations, see note to §1300.

939. Fees. An establishment or other person shall not exact or accept any fee for the training of a junior operator.*†

Article 5. Junior Electrologists

945. Application for License as Junior Electrologist. An application for a license as a junior electrologist shall be submitted on the form prescribed and provided by the Board, accompanied by such evidence, statements or documents as therein required, and filed with the board at its office in Sacramento.*†

946. Application for Authority to Engage a Junior Electrologist. An application by an establishment for authority to engage a junior electrologist shall be submitted on the form prescribed and provided by the Board, accompanied by such evidence, statements or documents as therein required, and filed with the Board at its office in Sacramento.*†

947. Equipment in Establishment Engaging Junior Electrologist. An establishment in which a junior electrologist is engaged shall be equipped for the full teaching of electrolysis, sanitation and sterilization.*†

948. Instruction of Junior Electrologist. (a) An establishment engaging a junior electrologist shall furnish to such operator theoretical, technical and practical full-time training under the immediate supervision of a licensed electrologist in electrolysis, sanitation and sterilization.

(b) An establishment engaging a junior electrologist shall furnish instruction to such junior electrologist from one (1) or more of the textbooks approved by the Board for use in schools of cosmetology.*†

949. Posting of License. An establishment engaging a junior electrologist shall post the license of such electrologist in a conspicuous place in such establishment.*†

950. Records of Junior Electrologist. (a) An establishment shall record the attendance and performance of a junior electrologist on forms prescribed by the Board and such records shall be available for inspection by the Board or its authorized agents at all reasonable times.

(b) Upon the completion of a prescribed course of instruction and training or the sooner discontinuance of instruction and training as a junior electrologist, a certificate certified by an establishment showing his attendance and performance shall be furnished to each junior electrologist and a copy thereof retained by the establishment in its permanent file.*†

951. Notification of Board. An establishment engaging a junior electrologist shall notify the Board, within ten (10) days after completion of six (6) months of instruction and training by such junior electrologist, of the date on which such instruction and training was completed. In the event a junior electrologist leaves the service of an establishment for any reason before the completion of six (6) months of training and instruction, such establishment shall notify the Board within

*† For statutory and source citations, see note to §900.

ten (10) days thereafter concerning the date of such leaving, the reason therefor, and the length of time instruction and training was given.*†

952. School Vacation or Part-time Employment. A junior electrologist shall not be licensed by the Board or engaged by an establishment during school vacation only or for part-time employment.*†

953. Change of Place of Instruction and Training. A junior electrologist may change his place of training only after application to and approval by the Board.*†

Article 6. Examinations

959. Application for Examination. (a) An application for an examination in any branch of cosmetology or for an instructor's permit shall be on the application form prescribed and provided by the Board, accompanied by such evidence, statements or documents as therein required, and filed with the Board at its office in Sacramento.

(b) An application must be filed not later than two (2) weeks before the date fixed for an examination.*†

960. Practical Examinations. In taking a practical examination, an applicant shall appear in a uniform prescribed by the Board and furnish such supplies and equipment as may be designated by the Board.*†

961. Passing Grades in Examinations. (a) A general average of eighty (80) percent shall be the passing grade for the Instructor Examination based on a grading of sixty-five (65) points for the practical and thirty-five (35) points for the written.

(b) A general average of seventy-five (75) percent shall be the passing grade for the Hairdresser and Cosmetician or Cosmetologist, Special Manicurist and Electrologist Examinations, based on a grading of seventy-five (75) points for the practical examination and twenty-five (25) points for the written.*†

Article 7. Sanitary Rules

(Approved by State Board of Health)

965. Infectious Disease. No employer shall require, permit or suffer any person to work nor shall any person work in an establishment, or as a cosmetologist, who is suffering from any infectious or communicable disease.*†

966. Arresting Bleeding. No person engaged in an establishment or school of cosmetology shall employ lump alum or styptic pencil to arrest bleeding. Liquid or powdered astringents must be used and applied by means of a clean sterilized piece of gauze or cotton.*†

967. Head Rests. The head rest on each chair must be provided with a clean towel or paper sheet for each patron.*†

*† For statutory and source citations, see note to §900.

712. Power of Registrar to Waive Formal Requirements. In cases where an applicant for an original license has previously been licensed either as an individual or as a member of a licensed partnership or as an officer of a licensed corporation, and said prior license has never been suspended or revoked and there is no disciplinary proceeding pending against said applicant or any licensee with whom he has been associated, the registrar may waive the requirement that the information, (other than that required by Sections 7067 and 7069 of the Business and Professions Code) requested in the prescribed application form or any part thereof be given, or that signed references be furnished.*†

713. Tender of Fee. All applications shall be accompanied by the $10 application fee, which fee may be tendered in the form of a personal, certified or cashier's check, or cash. Checks shall be made payable to the "Registrar of Contractors."

Cash will be accepted only at the Sacramento, Los Angeles and San Francisco offices maintained by the Board.*†

714. Requirement of Foreign Corporations. Applications of foreign corporations for a license shall be accompanied by a certificate from the California Franchise Tax Division, certifying to the fact that the applicant has registered with that division. No application will be approved that is not accompanied by such certificate or other proof of compliance herewith.*†

715. Posting of Names of Applicants. When an applicant has filed a complete application approved by the registrar, and has tendered the required application fee and has successfully passed any required examination, the name and address of the applicant, together with the names and addresses and official capacity of all persons associated with applicant who have signed the application, shall be publicly posted in the places and manner to be prescribed by the registrar for a period of ten (10) days commencing on the day the results of the examination are known. Except as hereinafter provided, no license shall be issued until the expiration of said posting period.*†

716. Power in Registrar to Waive Posting. The registrar may waive the requirement prescribed in Section 715 in cases where the enforcement of said requirement would work an unreasonable hardship and inconvenience on applicant and he is otherwise satisfied that applicant and the members thereof enjoy a favorable reputation in their community for honesty and integrity.

The posting period may be waived only by the registrar. This authority cannot be delegated to any other person.*†

717. Joint License Defined. For all purposes for the enforcement of the Contractors' State License Law, a "joint license" is any license issued to any association of persons, firms, partnerships or corporations, each member of which association holds a separate license in good standing and in the same name style and entity in which they appear as members of the Association.*†

*† For statutory and source citations, see note to §700.

718. Waiver of Licensing Requirements for Joint License. The registrar may in the case of an application for a "joint license" waive examination, posting, the giving of references, and all other application formalities except those specifically prescribed by statute, and may assign the "joint license" to any classification in which any member thereof is licensed.

Written examination may be waived only by the registrar. This authority cannot be delegated to any other person.*†

719. Bond Requirement of Applicants. If application is made for reinstatement of a license suspended as the result of disciplinary action for a violation of Sections 7108, 7116, or 7120 of the Business and Professions Code, the Board may require, in addition to the requirements of the order of suspension, as a condition precedent to the reinstatement of said license, that such applicant file with the registrar a bond or cash upon the same terms and subject to the same conditions and provisions as set out in Section 7071.5 of the Business and Professions Code.*†

720. Posting of Bond as Condition of Reinstatement. In any disciplinary proceeding before the registrar in which a licensee is suspended for any of the sections or grounds enumerated in Section 7071.5 of the Business and Professions Code, the registrar may provide in his decision that the licensee file a bond in accordance with Section7071.5 as a condition to the removal of the suspension or reinstatement of his license, in which case the license shall not be reinstated or the suspension removed until the required bond is filed.*†

721. Registrar May Waive Bond. The registrar may waive the requirement of Section 719 hereof, where the applicant or licensee has made full restitution to all parties injured, if any, as a result of the acts for which his license was suspended or revoked and the matters and violations for which the license was suspended or revoked are, in the opinion of the registrar, of a minor and inconsequential nature.*†

722. Registrar to Issue Rules on Bond Procedure. The registrar shall fix the form of bond to be required and inaugurate such procedures and issue such rules, regulations and orders as shall be necessary to give effect to Sections 719, 720 and 721 and the provisions of Section 7071.5 of the Business and Professions Code.*†

723. Policy of the Board Re Experience.

WHEREAS, By the provisions of Section 7068 of the Business and Professions Code, the Contractors' State License Board is required to determine if any applicant possesses experience deemed necessary for the safety and protection of the public, and

WHEREAS, Experience is that practical knowledge gained by actual observation, learning and employment in an occupation, and

WHEREAS, Custom and usage has established that which would constitute a period of required experience;

*† For statutory and source citations, see note to §700.

Therefore, It is the declared policy of this Board that experience of each applicant for license be sufficient to protect the health, safety and welfare of the public as in these rules provided.*†

724. Experience Requirement of Applicant. Every applicant for a contractor's license must have had, within the last 10 years immediately preceding the filing of the application, not less than four years experience as a journeyman, foreman, supervising employee or contractor in the particular class within which the applicant intends to engage as a contractor.

An applicant shall not be jeopardized in computing time by his service in the armed forces and such length of service may be added to the 10 years mentioned above.

Acceptable technical training in an accredited school will be counted as experience, but in no case will technical training count for more than three years experience.

The required experience need only be possessed by one member of the applicant entity or by a responsible managing employee for the applicant entity.*† (Filed 10-20-45)

725. Registrar to Pass on Experience. When an applicant fails to possess the specific experience required in Section 724, but has some equivalent of knowledge and/or training and/or experience, the registrar is empowered to pass upon the sufficiency of such combination, and if in his judgment it makes for an equivalent of the required experience, he is authorized to certify to such fact.*† (Filed 10-20-45.)

726. Credit for Additional Experience. Additional experience shall be allowed an applicant in the form of credits to be given in the required written examination when such experience is beyond that required.

Credits are to be allowed in conformity with the following table:

5 years' experience – 2 credits

6 years' experience – 4 credits

7 years' experience – 6 credits

8 years' experience – 8 credits

9 years' experience –10 credits

A total of not more than 10 credits will be allowed for experience.*†

Article 3. Classification

730. Policy of Board.

WHEREAS, The definition of a contractor as found in Section 7026 of the Business and Professions Code is extremely broad and the activities of those persons falling within said definition and who are required by law to have a license are varied and different and require different experience, skill and qualifications, and

*† For statutory and source citations, see note to §700.

WHEREAS, It is the policy of the Board that all licensees to whom licenses are issued shall be qualified and experienced in the particular branch or field of the contracting vocation in which they intend to and do engage, and

WHEREAS, It would be unreasonable and unfair to require every contractor to be qualified and experienced in all branches and fields of the contracting business if he does not intend to engage in all of said fields, and

WHEREAS, It is impossible to properly test the qualifications and experience of an applicant for a contractor's license unless the various fields and branches of the contracting vocation are classified and minimum requirements and qualifications are specified for each classification;

Now, therefore, it is the declared policy of this Board, That all contractors to whom original licenses are issued be classified, at the time of issuance of such license, in one or more of the classifications hereinafter in these rules created, the scope and extent of each of which classifications as defined herein are according to and consistent with the established usage and procedure found in the construction business.

It is the further declared policy of this Board, That those persons to whom have been issued and who now hold valid licenses be classified or reclassified into the classification in which the majority of their contracting is embraced, which fact shall be determined according to the information requested by and given to the registrar by the licensee, and that they shall be given the opportunity to qualify for and be classified and licensed in other supplemental classifications in which they intend to or do contract.

It is the further declared policy of this Board, That as specific prequalifying examinations for the various classifications are put into effect, and after licensees already licensed are classified or reclassified into their proper classification, licensees licensed in one classification shall generally be prohibited from contracting in the field of any classification outside of the classification in which they are licensed and in the field of any other unrelated classifications for which specific prequalifying examinations have been inaugurated, unless the licensee has qualified by examination and has also been licensed in such other classification or classifications. The following rules in this article are in furtherance of the above announced policy. This policy is to be construed in harmony with established usage and procedure as found in the contracting business.*†

731. All Contractors to Be Classified. All persons heretofore or hereafter licensed under Chapter 9, Division 3 of the Business and Professions Code shall be classified by the registrar into one or more classifications and/or subclassifications as provided in Sections 7055, 7056, 7057, 7058, 7059 of said code.*† (Filed 10-20-45.)

*† For statutory and source citations, see note to §700.

732. Specialty Contractors Subclassified. Specialty contractors are subclassified into the following subclassifications:

Acoustical (other than plaster)	C- 1
Alarm and Time Systems (all types)	C- 5
Awnings and Canvas Installation	C- 3
Boilers, Steam Fitting	C- 4
Cabinet and Mill Work	C- 6
Cement and Concrete, Gunite	C- 8
Cement Pipe Laying	C- 9
Electric Signs (all types)	C-45
Electrical (general)	C-10
Elevator Installation (all types)	C-11
Excavating, Grading, Trenching	C-12
Fencing (all types)	C-13
Flooring (all types)	C-15
Glazing	C-17
Heating, Ventilating, Air-Conditioning	C-20
House and Building Moving	C-21
Insulation, Pipe Covering, etc.	C- 2
Landscaping	C-27
Lathing (all types)	C-26
Machinery, Pumps, etc.	C-37
Masonry (brick, granite, marble, etc.)	C-29
Metal Sash and Door	C-14
Ornamental Metals	C-23
Painting, Decorating, Paperhanging	C-33
Paving and Surfacing	C-24
Plastering (all types)	C-35
Plumbing	C-36
Refrigeration (all types of installations)	C-38
Rig Building (all types)	C-16
Roofing (all types)	C-39
Sewers, Sewage Disposal, Drains	C-42
Sheet Metal (all types)	C-43
Sprinkler Systems (all types)	C-46
Steel, Reinforcing	C-50
Steel, Structural	C-51
Structural Pest Control	C-22
Terrazzo and Mosaic	C-28
Tile (all types)	C-54
Waterproofing, Weatherproofing, Damp-proofing	C-56
Welding (all types,), Metal Pipe Laying	C-60
Well Drilling (all types), Test Holes	C-57
Wrecking and Demolition	C-59
Miscellaneous Specialty	C-61

(A C-61 Miscellaneous Specialty Contractor is a contractor as above defined whose principal contracting business involves a special skill in a trade or craft not set forth in the above list.)

The extent and scope of contracting activities embraced within certain of the above classifications are hereinafter set forth. The extent and scope of the activities of licensees classified or to be classified in any of the above listed subclassifications of specialty contractors for which there is no definition, extent and scope hereinafter in these rules specifically prescribed, shall be according to the usage and custom generally followed in the construction industry.*†

733. Class C-10—Electrical Contractor. An electrical contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring a knowledge of the art and science of placing, installing, erecting or connecting of any electrical wires, fixtures, appliances, apparatus, raceways or conduits, or any part thereof, which generate, transmit, transform or utilize electrical energy in any form and in connection with which electrical energy is used for any purpose whatsoever.*†

734. Class C-36—Plumbing Contractors. A plumbing contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring a knowlege of the art and science of creating and maintaining sanitary conditions in buildings, structures and works where people or animals live, work and assemble, by providing a permanent means for a supply of safe, pure and wholesome water, ample in volume and of suitable temperatures for drinking, cooking, bathing, washing and cleaning, and to cleanse all waste recep-

*† For statutory and source citations, see note to §700.

tacles and like means for the reception and speedy and complete removal from the premises of all fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, including a safe and adequate supply of gases for lighting, heating and industrial purposes.*†

735. Class C-33—Painting and Decorating Contractors. A painting and decorating contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring the art, science, knowledge, experience, skill and ability to intelligently examine surfaces and specify and execute the preliminary and preparatory work necessary to bring such surfaces to a condition where, under an agreed specification acceptable work can be executed thereon with the use of any, or all, of the following: Paints, pigments, oils, turpentines, japans, driers, thinners, varnishes, shellacs, stains, fillers, waxes, cement, water and any other vehicles, mediums and materials that may be mixed, used and applied to the surfaces of buildings, edifices, structures, monuments and the appurtenances thereto, of every kind, type and description in their natural state or condition, or constructed or fabricated of any material or materials whatsoever that can be painted and decorated.*†

736. Class C-35—Plastering Contractors. A plastering contractor is a specialty contractor whose principal business is the execution of contracts, usually subcontracts, requiring a knowledge of the art and science of coating surfaces with a mixture of sand, gypsum plaster, quick-lime or hydrated lime and water, or sand and cement and water, or a combination of such other materials as create a permanent surface coating, and which coatings are usually applied with a plasterer's trowel over any surface which offers a mechanical key for the support of such coating, or to which such coating will adhere by suction, and/or the affixation of lath or any other material or product prepared or manufactured to provide a base for such coating.*†

737. Class C-39—Roofing Contractors. A roofing contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science and skill to intelligently examine surfaces and specify the preliminary and preparatory work necessary to bring such surfaces to a condition where, under an agreed specification, acceptable work can be executed and fabricated thereon with such material or materials as do seal, waterproof and weatherproof such surfaces by such means and in such manner as to prevent, hold, keep and stop water, its derivatives, compounds, and solids, from penetrating and passing any such protective material, membrane, roof, surface or seal thereby gaining access to material or space beyond such weatherproof, waterproof or watertight material, membrane, roof, surface or seal with the use of any, or all, of the following: Asphaltum, pitch, tar, felt, flax, shakes, shingles, roof tile, slate and any other material or materials, or any combination of any thereof, that use and custom has established as usable for, or which material or materials are now used as, such waterproof, weatherproof or

*† For statutory and source citations, see note to §700.

watertight seal for such membranes, roofs and surfaces; but shall not include a contractor whose sole contracting business is the installation of devices or stripping for the internal control of external weather conditions.*†

738. Class C-54—Tile Contractors. A tile contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science, and skill to intelligently examine the surfaces and specify and execute the preliminary and preparatory work necessary to bring such surfaces to a condition where under an agreed specification, acceptable tile work can be executed thereon by first preparing a base or subsurface upon such original surface and then upon such prepared base or subsurface execute ceramic, clay, encaustic, faience, quarry, semivitreous, vitreous and other tile and tile work, and to which prepared base or subsurface such tile will adhere by suction or is held upon such prepared base or sub-surface by adhesives.*†

739. Class C-8—Cement and Concrete Contractors. A cement and concrete contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science, and skill to intelligently proportion, batch and mix aggregates consisting of sand, gravel, crushed rock or other inert materials having clean uncoated grains of strong and durable minerals, cement and water or to do any part, or any combination of any thereof, in such a manner that, under an agreed specification, acceptable mass, pavement, flat and other cement and concrete work can be poured, placed, finished and installed; including the placing and setting of screeds for pavements or flatwork; but shall not include those contractors whose sole contracting business is: The application of plaster coatings on; or the construction of forms and formwork for the casting, forming and shaping of; or the placing and erecting of steel or bars for the reinforcing of, mass, pavement, flat and other cement and concrete work.*†

740. Class C-29—Masonry Contractors. A masonry contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science, and skill to intelligently select, cut and lay brick and other baked clay products, rough, cut and dressed stone, artificial stone and precast blocks, structural glass brick or block, laid at random or in courses, with or without mortar, or to do any part, or any combination of any thereof, in such a manner that, under an agreed specification, acceptable brick and other baked clay products, stone, and structural glass brick or block masonry can be executed, fabricated and erected, but shall not include those contractors whose sole contracting business is: The application of tile to existing surfaces; or the execution, fabrication and erection of poured cement and concrete masonry.*†

741. Class C-15—Flooring Contractors. A flooring contractor is a specialty contractor whose principal contracting business is the execu-

*† For statutory and source citations, see note to §700.

tion of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science, and skill to intelligently select, cut, lay and finish soft and hardwood floors and flooring in such a manner that, under an agreed specification, acceptable soft and hardwood flooring can be executed, or to do any part, or any combination of any thereof, but shall not include those contractors whose sole contracting business is the laying of cork, linoleum or rubber tile floors; or, the fabrication of canvas decks; or floors that are poured and floated into place and troweled to a finish.*†

742. Class C-43—Sheet Metal Contractors. A sheet metal contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science, and skill to intelligently select, cut, shape, fabricate and install sheet metal and any unit, device or product fabricated from sheet metal, patented chimneys and flues, and hot air heating and air conditioning systems complete, or to do any part, or any combination of any thereof, in such a manner that, under an agreed specification, acceptable sheet metal work and complete hot air heating and air conditioning systems, can be executed, fabricated and installed; but shall not include those contractors whose sole contracting business is the furnishing and installation of hot air furnaces and air conditioning units only without the furnishing and installation of the flues, air ducts, air registers and the thermostatic controls complete in connection therewith; or those contractors who install the gas fuel or electric power services for such hot air furnaces or air conditioning units; or those contractors whose sole contracting business is ornamental metal work for the architectural treatment and ornamental decoration of buildings and structures.*†

743. Class C-26—Lathing Contractors. A lathing contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science, and skill to intelligently examine surfaces and specify, select, apply and affix wood and metal lath, or any other material or product prepared or manufactured, to provide key or suction bases for the support of plaster coatings, in such a manner that, under an agreed specification, acceptable lathing can be executed and installed; including the channel iron work for the support of metal or other fireproof lath, and the channel iron and metal, or other fireproof lath work for solid plaster partitions; but shall not include any plaster work, or the erection of any wall, ceiling or soffit to which such key or suction plaster bases are applied.*†

744. Class C-6—Cabinet and Millwork Contractors. A cabinet and millwork contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science, and skill to intelligently cut, surface, join, stick, glue and frame wood and wood products, in such a manner that, under an agreed specification, acceptable cabinet, case, sash, door, trim, nonbearing partition, and such other mill

*† For statutory and source citations, see note to §700.

products as are by custom and usage accepted in the building and construction industry, as cabinet and millwork, can be executed; including the placing, erecting, fabricating and finishing in buildings, structures and elsewhere of such cabinet and millwork, or to do any part or any combination of any thereof.*†

745. Class C-12—Excavating, Grading and Trenching Contractors. An excavating, grading and trenching contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science, and skill to intelligently dig, move and place that material forming the surface of the earth, other than air and water, in such a manner that, under an agreed specification acceptable, cut, fill, excavation, grading, trenching, back-filling, tunneling and any such like operation, can be executed with the use of those hand and powered tools and machines that use and custom has established for, or which tools and machines are now used to dig, move and place that material forming the surface of the earth, other than air and water; including the use of explosives in connection therewith or, to do any part or combination of any thereof.*†

746. Class C-20—Heating, Ventilating and Air Conditioning Contractors. A heating, ventilating and air conditioning contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science and skill to intelligently select, cut, shape, fabricate and install sheet metal and any unit device or product fabricated from sheet metal; install hot air heating systems complete including furnace, ducts, registers and flues with or without air filters, humidity and thermostatic controls; install steam and hot water air heating systems complete with steam, hot water, gas and oil lines, radiators and flues with or without air filters, humidity and thermostatic controls; install ventilating systems complete with blowers, ducts, plenum chambers, registers, with or without air filters, humidity and thermostatic controls; install air conditioning systems complete with air conditioning unit, ducts, registers, air filters, humidity and thermostatic controls; or any part or combination of any thereof, in such a manner that, under an agreed specification, acceptable heating, ventilating and air conditioning systems can be executed, fabricated and installed, or to do any part, or any combination of any thereof, but shall not include those contractors who install the gas, fuel or electric power services for such heating, ventilating and air conditioning systems.*†

747. Class C-27—Landscaping Contractors. A landscaping contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science and skill to intelligently grade and prepare plots and areas of land for architectural horticulture and the decorative treatment, arrangement, planting and maintenance of gardens, lawns, shrubs, vines, bushes, trees and other decorative vegetation; construct pools, tanks, fountains, pavilions, conservatories, hot and green

*† For statutory and source citations, see note to §700.

houses, retaining walls, fences, walks, drainage and sprinkler systems; arrange, fabricate and place garden furniture, statuary and monuments, in connection therewith, or to do any part or any combination of any thereof in such a manner that, under an agreed specification, acceptable landscaping projects can be executed.*†

748. Class C-38—Refrigeration Contractors. A refrigeration contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science, and skill to intelligently construct, erect and install devices, machinery and units for the control of air temperatures below fifty degrees Fahrenheit (50° F.) in refrigerators, refrigerator rooms, and insulated refrigerator spaces and the construction, erection, fabrication and installation of such refrigerators, refrigerator rooms, and insulated refrigerator spaces, temperature insulation, air conditioning units, ducts, blowers, registers, humidity and thermostatic controls, or any part or any combination of any thereof, in such a manner that, under an agreed specification acceptable refrigeration plants and units can be executed, fabricated and installed, but, shall not include those contractors who install gas fuel or electric power services for such refrigerator plants or other units.*†

749. Class C-23—Ornamental Metal Contractors. An ornamental metals contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science, and skill to intelligently assemble, cast, cut, shape, stamp, forge, fabricate and install, sheet, rolled and cast, brass, bronze, copper, cast iron, wrought iron, monel metal, stainless steel, steel, and any other metal, or any combination of any thereof, as have been, or now are, used in the building and construction industry for the architectural treatment and ornamental decoration of buildings and structures, in such a manner that, under an agreed specification, acceptable ornamental metal work can be executed, fabricated and installed; but, shall not include the work of a Sheet Metal Contractor, Class C-43, as in these rules provided.*†

750. Class C-17—Glazing Contractors. A glazing contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science, and skill to intelligently select, cut, assemble and install all makes and kinds of glass and glass work, and execute the glazing of frames, panels, sash and doors, in such a manner that under an agreed specification, acceptable glass work and glazing can be executed, fabricated and installed; but shall not include the manufacture, or fabrication, or installation in any building or structure of any frame, panel, sash or door upon or within which such frame, panel, sash or door, such glass work or glazing has been executed or installed.*†

751. Class C-57—Well Drilling Contractors. A well drilling contractor is a specialty contractor whose principal contracting business is

*† For statutory and source citations, see note to §700.

the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science, and skill to intelligently drill, case, cement and clean, oil or water wells, or any combination of any, or all, such drilling, casing, cementing and cleaning operations, with the use of cable, rotary or diamond drill tools, or any combination of any, or all such drilling tools, in such a manner that, under an agreed specification, acceptable well drilling can be executed; including the boring of test holes, or the taking of cores, or both, for geological studies and other sub-surface investigations concerning foundation and other materials in connection with the erection and construction of buildings and structures, the digging of wells by hand or powered tools, the lining of dug wells with brick or stone, and the installation of temporary well testing or cleaning pumps; but shall not include the installation of permanent pumps, the building of well rigs, windmills, pipe lines, pump houses or any other structure or appurtenance necessary to the use and operation of such oil or water wells.*†

752. Class C-21—House and Building Moving Contractors. A house and building moving contractor is a specialty contractor whose principal contracting business is the execution of contracts, usually subcontracts, requiring the art, ability, experience, knowledge, science, and skill to intelligently raise, crib, underpin and move or remove buildings and structures so that alterations, additions, repairs and new sub-structures may be built, constructed and completed under the existing permanently retained portions of such building or structure as remains undisturbed after being raised, cribbed or underpinned, including the complete rehabilitation thereof and the alterations and additions thereto, either upon the present site, or upon another site to which such building or structure may be removed, including the use of three or more unrelated crafts or trades only in connection therewith, in such a manner that, under an agreed specification acceptable house and building moving can be executed and completed but shall not include the work of those contractors whose principal contracting business is the erection of buildings and structures from the beginning as in these rules provided; and are: That of General Heavy Construction Contractor, Class A, or that of General Building Contractor, Class B-1.*†

753. Class C-22—Structural Pest Control Contractor. A structural pest control contractor is a specialty contractor whose principal contracting business is the execution of structural pest control contracts requiring a practical working knowledge of the life-cycles, habits and habitat of the economically important wood-destroying organisms and the art, ability, experience, science and skill to intelligently crib, shore, underpin, alter, repair, reconstruct and rehabilitate wooden buildings and structures in such a manner that under an agreed specification acceptable structural pest control work can be executed and completed; including the use of any number of unrelated building and construction crafts or trades only in connection therewith; but shall not include the work of those contractors whose principal contracting business is the erection of

*† For statutory and source citations, see note to §700.

buildings and structures in their entirety from the beginning, as in these rules provided, which are: General Heavy Construction Contractor, Class A, or General Building Contractor, Class B-1.*†

754. Class C-56—Waterproofing, Weatherproofing and Dampproofing Contractors. A waterproofing, weatherproofing and dampproofing contractor is a specialty contractor whose principal contracting business is the execution of contracts usually subcontracts requiring the art, ability, experience, knowledge, science and skill to intelligently examine concrete, coursed and random masonry surfaces and specify the preliminary and preparatory work necessary to bring such surfaces to a condition where under an agreed specification acceptable work can be executed thereon, the sole purpose of such work being the sealing, waterproofing, weatherproofing and damp-proofing of surfaces in such a manner as to prevent, hold, keep and stop water, solutions, and vapors from penetrating or passing the protective material, membrane, seal or surface and thereby gaining access to material or space beyond the waterproofing, weatherproofing or damp-proofing material, membrane or seal, with the use of any or all of the following: Asphaltum, cement, pitch, tar, felt, flax, oakum and such other materials as are used for the sole purpose of waterproofing, weatherproofing and damp-proofing and not to improve the appearance of the surface, either incidentally, by intent, or otherwise; but shall not include the work of a painting and decorating contractor or that of a roofing contractor, as in these rules provided, or that of a contractor whose sole contracting business is the installation of devices or stripping for the internal control of external weather conditions.*† (Filed 5-1-46)

755. "Primary" and "Supplemental" Classifications. A licensee may be licensed in more than one classification. The classification in which his principal business falls and which is assigned to him by the registrar as his main or principal classification shall be known as his "primary" classification. Any other classification or classifications in which he is classified and licensed shall be known as his "supplemental" classification or classifications.*† (Filed 10-20-45)

756. Assignment of "Primary" Classification. Each applicant for an original license, filed on or after December 15, 1941, shall give in his application form a complete statement of the general nature and type of contracting in which he intends to engage, and the "primary" classification in which he desires to be classified and licensed. When an applicant has met all prequalifying requirements for such desired "primary" classification, the registrar shall issue a license to him in such "primary" classification. Such "primary" classification and any "supplemental" classifications for which the licensee has qualified and has been licensed shall be designated upon the permanent license certificate, as well as upon the pocket certificate issued to him.*†

757. No "Supplemental" Classifications Where No Special Examination. The registrar may refuse the request of a licensee to be classi-

*† For statutory and source citations, see note to §700.

fied in one or more "supplemental" classifications for which no specific examination is then required, if, in his opinion, the request to be so classified is inimical to the announced policy of the board and the effective and practical operation of the board's program of classification and prequalification.*† (Filed 10-20-45)

758. Changes in Classification. Any licensee licensed after December 15, 1941, desiring to change the "primary" classification assigned to him, may request the registrar in writing for such change, and the registrar, upon the filing of said request or upon his own motion, may, after investigating the grounds and reasons for such request for reclassification, order such change as he deems proper and consistent with the policies and rules of the board; provided, however, except as hereinafter provided, no change shall be made in the "primary" classifications of such a licensee to a classification for which a "specific" prequalifying examination is required unless the licensee has taken and successfully passed such required examination.

The registrar may make such reasonable regulations and orders as he deems advisable concerning the times, places and manner in which a licensee may apply for reclassification or for "supplemental" classifications.*†

759. Waiver of Reclassification Examinations. The registrar may waive the requirement of reclassification examination upon a conclusive showing by affidavit, or any other means that the registrar might direct, that 50 percent or more of applicant's contracting business for the two years immediately preceding the filing of his application for reclassification has been in the classification in which applicant seeks to be reclassified, or that applicant possesses the necessary skill and experience to engage in said classification and that to require the taking and passing of such an examination would work an undue hardship upon applicant.

Written examination may be waived only by the registrar. This authority cannot be delegated to any other person.*†

Article 4. Examinations

764. Policy of the Board re Examinations.

WHEREAS, By the provisions of Section 7068 of the Business and Professions Code the duty, power and authority to require applicants for a contractor's license to show some degree of experience in and general knowledge of the contracting business as a condition to the issuance of a contractor's license is vested in the Contractors' State License Board, and

WHEREAS, Said duty, power and authority to qualify applicants has been construed to be mandatory upon the Board (opinion of the Attorney General No. NS1771 rendered on the fifteenth day of June, 1939), and

WHEREAS, By the provisions of Section 7065 of the Business and Professions Code the Registrar of Contractors is empowered and authorized under rules and regulations adopted by this Board to "qualify appli-

*† For statutory and source citations, see note to §700.

cants for contractors' licenses by written or oral examinations, or both,'' and

WHEREAS, To be effective and to properly prequalify applicants, different and separate examinations should be required of applicants seeking licenses in different classifications:

Now, therefore, it is the declared policy of this board, That for the safety and protection of the public all applicants for an original contractor's license not otherwise in these rules specifically exempted, shall be required to take and successfully pass a written examination designed to test the applicant's experience and general knowledge of the building, safety, health and lien laws of the State and of the rudimentary administrative principles of the contracting business.

It is the further declared policy of this Board, That as time and other considerations permit, separate ''specific'' written examinations be given for the different classifications designed to test the applicant's specialized knowledge in the field of contracting embraced within such classifications in which the applicant desires to be classified.

It is the further declared policy of this Board, That when hereafter in these rules, or in any other official action taken by this Board, provision is made for the giving of a written examination, and the form and content of such examination is approved by resolution of the Board and the same ordered to be put into effect, that such rules or resolution shall be deemed to rest upon the conclusion and finding of this Board that the matters and facts which are the subject of the examination are matters and facts which a contractor should know, and the knowledge of which on the part of the applicant the Board deems necessary for the safety and protection of the public.*†

765. Written Examinations Required of All Applicants. Except as hereinafter provided, and commencing on the effective date of these rules, an applicant for an original license, as a condition to the issuance of such license must take and pass the written examination approved and prescribed by the Board for the classification in which he requests to be primarily licensed. No oral examination shall be conducted for or given to any applicant. The reading of an examination questionnaire or the explanation of the wording or intent of a question or questions to an applicant or examinee by any of the personnel of this Board authorized to conduct examinations, or by any interpreter duly sworn so to act, shall not be construed or deemed to be an oral examination.

An oral examination may be authorized by the registrar, if applied for in writing, providing the applicant, in his letter requesting such examination, shows the following conditions to be true:

I. That he has taken the examination for the classification desired in written form within a period of 90 days and that he failed.

II. That failure was due either to difficulty in understanding the questions, or to a physical handicap that interferred with his ability as an examinee.

*† For statutory and source citations, see note to §700.

III. That he has been the holder of a California contractor's license in the classification desired in the past for a period of not less than five years out of the past ten; and that during such five years at least 75 percent of his time was devoted to the direct management of construction business under said license.

Such oral examination shall be approved by the registrar only when there is no record of justified complaint against the applicant in the files of the Registrar of Contractors, and when he is satisfied by a perusal of the applicant's original application and letters of reference that he is possessed of a good reputation as a contractor. Where such oral examination is given, it shall merely consist of a reading of the questions and statements in the current written examination, and no explanation of the questions shall go beyond that provided for in paragraph I of this rule.*†

766. Types of Examinations. There shall be two principal kinds or types of examinations; a "specific" examination, which is the examination approved and prescribed for a particular classification, and a "blanket" examination, which is an examination approved and required for several or a group of classifications.*†

767. "Specific" and "Blanket" Examinations Approved. The Board, by resolution duly adopted, has approved and prescribed "specific" examinations and alternates for the following classifications:

General Heavy Construction Contractor
General Building Contractor
Electrical Contractor
Plumbing Contractor
Painting and Decorating Contractor
Plastering Contractor
Roofing Contractor
Tile Contractor
Structural Pest Control Contractor

and has approved and prescribed a "blanket" examination, with alternates, for all other classifications and subclassifications.*†

768. Preparation and Approval of Examinations. The registrar shall, when directed by the Board, and shall from time to time on his own initiative as necessity or opportunity arises therefor, cause examinations to be prepared for the several classifications of contractors as set forth in Article 4 of these rules, and shall submit such examinations to this Board for approval, adoption and inclusion in the list of examinations given by this Board.*†

769. Registrar to Require Examination of Applicants. As other "specific" examinations are approved and prescribed by resolution or other action of the Board for classifications for which no "specific" examination is by these rules prescribed, the registrar shall require applicants for licenses in such classifications to take and successfully pass such

*† For statutory and source citations, see note to §700.

approved and prescribed "specific" examinations as a condition to the issuance of a license.*†

770. Registrar May Change Written Examinations. The registrar is authorized and empowered, without first obtaining the approval of the Board, to substitute for, eliminate or change any question or problem in any examination or any answer thereto or relative marking thereof approved by the Board if, in his opinion, the question or problem, or the relative grading thereof, is found to be misleading, unfair, or the approved answer thereto wholly or partially incorrect. Such substitution, elimination or change shall be submitted to the Board for its consideration and approval at the next meeting following such change.*†

771. Applicants May Be Re-examined. Under rules, regulations and orders promulgated by the registrar, applicants failing to attain a passing grade upon an examination may, upon the payment of the required re-examination fee and the filing of the prescribed reapplication form, be re-examined.*†

772. Grading of Examinations. All examinations given by this Board for original contractors' licenses shall be graded as follows:

Written examinations shall be graded upon a total of 100 credits, which credits shall be apportioned as follows:

Part One_____50 credits
Part Two_____50 credits

An examinee shall be granted earned credits for experience in accordance with the provisions of Section 726 of these rules.

The final grade of an examination shall include a total of the combined written examination credits and the earned credits for experience, if any be earned.

Including the written examination credits and the earned credits for experience, a combined total grade of 75 credits shall be the minimum passing grade for any examination given by this Board for an original contractor's license.*†

773. Registrar May Make Rules on Examination Procedure. The registrar shall adopt procedures and promulgate and issue such rules and regulations, orders or bulletins supplementary but not contrary to policies and rules announced herein, as he shall deem necessary and proper to put said examinations into effect and to carry out said rules and policies, and in connection therewith he shall fix the time to be allotted to examinees, the time and place the examinations shall be given, the manner and conditions under which they shall be given, procedures by which re-examinations may be applied for and given, and the manner and conditions under which examinees may question the result of the examination. Such executive orders shall be integrated with the fiscal, application, classification and renewal policy and procedure announced, followed or prescribed by this Board.*†

*† For statutory and source citations, see note to §700.

and load-supporting members of structures such as foundations, walls, columns, slabs, beams, girders, trusses, and similar members where such investigation, design, selection, and supervision requires a knowledge of engineering laws, formulas and practice, a knowledge of the physical properties of the materials used for such members, and a knowledge of the methods used in their erection.

(b) In interpreting these rules the Board will consider the phrase "responsible charge of structural engineering work" to mean the technical control and direction of the investigation, design and construction of structures, requiring initiative, engineering ability and independent judgment.

(c) An applicant shall submit evidence satisfactory to the Board that he has been in responsible charge of structural engineering work for at least three years prior to the date of his application.

(d) A registered civil engineer authorized by the Board to use the title "structural engineer" shall use such title only as long as he holds an unexpired, unsuspended, and unrevoked certificate of registration as a civil engineer in this State.*†

412. Applications of Registrants from Other States. (a) Applications for registration as a civil engineer made under Section 6757 of the Code must comply with the specifications contained in Section 406 hereof. The applicant will customarily be required to appear for oral examination.

(b) Such an application will be granted only when:

(1) The registration presented as the basis for this application was acquired by written examination comparable with the examination given by the California Board, or when

(2) The registration presented as the basis for this application was acquired without written examination because of recognized professional accomplishment, as accepted by the California Board in granting registration to an applicant without previous registration, or when

(3) The applicant's professional accomplishments merit his registration without written examination.

(c) In general, registration secured outside this State will give the applicant no higher standing than that possessed by one without previous registration but with equivalent professional qualifications.

(d) Denial of such an application for registration will not be prejudicial to the applicant if he subsequently seeks registration in accordance with the provisions of Sections 6750 to 6756 of the Code.*†

413. Specimen Examinations. The Board issues a pamphlet containing a representative examination in civil engineering design and construction, structural engineering, and land surveying. Copies of this

*† For statutory and source citations, see note to §405.

pamphlet may be examined in the Board's offices in Sacramento and Los Angeles and may be obtained by application to the Board and the prepayment of 30 cents. Stamps will not be accepted in payment of the required fee.*†

414. Certificates. Certificates of registration will be issued by the Board in the order in which the applicants qualify. A card certifying that the registrant holds registration will be issued each year upon payment of the renewal fee as provided in Section 6795 of this Code.*†

415. Lost, Destroyed or Mutilated Certificates. Upon request, accompanied by an affidavit showing loss, destruction or mutilation of his certificate, and a fee of one dollar ($1.00), a registrant will be given a new certificate.*†

416. Seal. The seal authorized by Section 6759 of the Code may be purchased, by the registrant, from any convenient source but shall be of the design shown here, and shall not be less than one and one-half (1½) inches in diameter.*†



417. Annual Renewal Fee. (a) Renewal fees received in the Board's office after June 30th of any year, without the accrued penalty, will be returned.

(b) Remittances transmitted by mail will be presumed to have been received by the Board as of the date the envelope is postmarked by the post-office of first receipt, or on the date mailed if satisfactory proof is made that mailing occurred to the day shown by the post-office cancellation mark.*†

418. Expired Registration. After the expiration of the one-year period provided in Section 6796 of the Code for reinstatement of an unexpired registration, the former registrant seeking re-registration will be on the same basis as a new applicant and must make application as provided in Sections 6750 to 6757 of the Code.*†

419. Filing Address and Notice of Change. Every registered civil engineer shall file his business and residence address with the Board at its Sacramento office and within ten (10) days after he has changed either his business or residence address, shall notify the Board at its Sacramento office of such change.

*† For statutory and source citations, see note to §405.

dean or other executive officer, who holds, or has, sufficient authority to carry out fair ideals of the schedule of minimum educational requirements in hours and subjects prescribed by the act, and in the teaching of the subjects in conformity with the spirit and intent of the California Chiropractic Act.

(b) We advise further that an accurate system of records be kept if not already in operation, showing conveniently and in detail the credentials, attendance, grades and accounts of the student by means of which an exact knowledge can be obtained regarding each student's work.

(c) We recommend that the courses offered should be set forth by and through actual laboratory departments, covering subjects required by the act, together with a corps of competent full time instructors (whose salaries are not dependent upon the graduation of students), and adequate to the teaching of the subjects required by the act, and also adequate to the accommodation of the students pursuing the said subjects. The use of standard textbooks covering all subjects is also recommended.

(d) Students should have access to a working library maintained in the school or college building, which includes modern text and reference books for the student's use.

(e) Clinical work in chiropractic theory and practice should include the following: Palpation and adjusting, chiropractic philosophy and symptomotology, physical diagnosis or analysis as to skeletal distortions and posture, nervous and communicable diseases and chiropractic jurisprudence based upon application of principles of law, to relation between doctor and patient.

(f) The head of chiropractic school or college shall not permit its senior students, or any student, when assigned to clinic duty, to participate in said clinic instruction or practice without a duly licensed chiropractor in charge of said clinic instruction, at all times.*†

324. Inducing Student to Practice Chiropractic. No licensee of chiropractic in the State of California shall offer or cause to be offered to a student, or prospective student of chiropractic any promise or inducement either written or verbal, which may induce said student or prospective student to believe that he or she, during his or her freshman, sophomore or senior years, or within the time that he or she shall be a student in, and/or before graduation from chiropractic school or college, and/or before receiving a license from the Board, may be legally employed in any chiropractic, private office, or chiropractic school or college, to practice chiropractic, with or without compensation, and no student shall accept or rely upon any such promise or understanding, except that senior students only, may for professional instruction, be assigned to regular clinic practice, during the regular clinic hours, in the clinic conducted upon the premises of a regularly incorporated chiropractic school or college, and then only when said clinic is in charge of a duly licensed chiropractor as clinic instructor. Violation of this rule by any student shall be deemed to be also a violation of Section 313 hereof.*†

*† For statutory and source citations, see note to §300.

325. Examinations. (a) When seated in examination room, each applicant will receive an identification envelope wherein he will find three (3) printed slips of paper. Said applicant will write his name and address as provided on each of these three (3) slips of paper, specifying thereon where mail may reach him within six (6) weeks after the date of examination. Applicants will insert all of said slips in the identification envelope, and seal the envelope which will be collected by one of the watchers.

(b) The applicant will remember the number on the envelope which has been handed in, and will inscribe same on each examination paper, together with (a) subject of examination, (b) place of examination and (c) date of examination.

(c) Disclosure of examination number will disqualify the applicant.

(d) The questions of the first examination will be distributed as soon as the identification envelopes have been collected.

(e) During the examination, no applicant will be permitted to have on the table, whereupon he is writing, any paper, or object other than the examination questions, examination paper, a blotter furnished by the Board, pen and ink, an eraser and a watch.

(f) No applicant will be permitted to communicate in any way with any other applicant, nor will he be permitted to question any examiner in reference to or interpretation of the questions under consideration. Applicants must rely solely upon their own judgment as to the meaning of each question, and on their own knowledge of the subject in answering. Any disturbance on the part of the applicant will disqualify said applicant and he will be required to leave the examination room.*†

326. Age of Applicant. No applicant under the age of twenty-one (21) years of age shall be admitted to examination before the Board for licensure to practice chiropractic in California.*†

Article 4. Reciprocity

331. Reciprocity. Applicants for reciprocity, whose applications are complete, and whose preliminary and professional education meet the general requirements of the California Chiropractic Act, and wherein the standard of such states is not in any degree or particular less than were the requirements in the State of California in the same year, and the educational standards required by the rules of this Board, shall be granted admission through licensure without examination, provided the license upon which reciprocity is based was obtanied by examination and the applicant has practiced a year or more in the state which issued the license upon which reciprocity is based. Reciprocity quota established by Board.*† (§§300 to 331, inclusive, filed 9-10-46)

*† For statutory and source citations, see note to §300.

CHAPTER 5. STATE BOARD OF REGISTRATION FOR CIVIL ENGINEERS

Printed December 5, 1946

Article
1. General Provisions
2. Civil Engineers and Use of the Title "Structural Engineer"
3. Land Surveyors

Article 1. General Provisions

400. Location of Offices. The principal office of the State Board of Registration for Civil Engineers is located at 529 Business and Professions Building, 1020 N Street, Sacramento 14, California, and a branch office is located at 906 State Building, First and Spring Streets, Los Angeles, California.

NOTE—§§400 to 404, inclusive, issued under authority contained in Sections 6717 and 8710 of the Business and Professions Code. Source of §§400 to 404, inclusive, is the Rules and Regulations of the State Board of Registration for Civil Engineers.

401. Correspondence. All correspondence relating to examinations, registration, certificates, renewals or status of applicants shall be directed to the principal office of the Board at Sacramento.*†

402. Tenses, Gender and Number. For the purpose of the rules and regulations contained in this subchapter, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.*†

403. Definitions. For the purpose of the rules and regulations contained in this subchapter, the term "Board" means the State Board of Registration for Civil Engineers; and the term "Code" means the Business and Professions Code.*†

404. Delegation of Certain Functions. The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code, issue subpenas and subpenas duces tecum, set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the Secretary, or, in his absence from the office of the Board, the Assistant Secretary.*†

*† For statutory and source citations, see note to §400.

Article 2. Civil Engineers and Use of the Title "Structural Engineer"

405. Class of Applicants. (a) Class 1 comprises applicants who applied for registration without examination under Section 10, Chapter 801, Statutes of 1929. (Applications were not accepted under this class after June 30, 1930.)

(b) Class 2 comprises those applying for registration under Section 6757 of the Code (see Section 412 hereof).

(c) Class 3 comprises those applying for registration under Sections 6750 to 6756 of the Code.

NOTE.—§§405 to 419, inclusive, issued under authority contained in Section 6717 of the Business and Professions Code. Source of §§405 to 419, inclusive, is the Rules and Regulations of the State Board of Registration for Civil Engineers for the Administration of the Civil Engineers' Act.

406. Application Forms. (a) Applications for registration as a civil engineer, and for authority to use the title "structural engineer" shall be filed in duplicate on forms provided by the Board. No application made otherwise will be accepted. In event the printed forms do not contain sufficient space for the evidence to be submitted, additional sheets may be attached, which shall be the same size as the application form.

(b) **Applications Must Be Typewritten.** An application not properly made out or not containing full information or not accompanied by the required fee will be returned with a statement of the reason therefor.

(c) Each copy of the application shall be accompanied by an unmounted, recognizable recent photograph or photo-engraving (size 2″ x 2½″ over all) of the applicant with face not less than three-quarters of an inch wide.

(d) Applications shall be subscribed and sworn to before a notary public or other person qualified to administer oaths. Applications shall be filed with the Board at its Sacramento office not later than March 15th for the spring examination and not later than September 15th for the fall examination.*†

407. Fees. Fees, fixed in Section 6799 of the Code, shall be transmitted by money order, bank draft or certified check, payable to the Director, Department of Professional and Vocational Standards, at Sacramento, California.*†

408. References. (a) An applicant for registration as a civil engineer shall refer to five registered civil engineers who have personal knowledge of his character, reputation and professional experience, none of whom is a relative, either by birth or marriage.

(b) An applicant for authority to use the title "structural engineer" shall refer to three registered civil engineers who have been granted the above-mentioned title and who have personal knowledge of his character, reputation and professional experience, none of whom is a relative, either by birth or marriage.

*† For statutory and source citations, see note to §405.

SUBCHAPTER 5—STATE PARK COMMISSION

Article
1. Preserve Beauty of the Park
2. Protection of Wild Life
3. Maintain Peace, Quiet and Respectability
4. Protection of Life and Limb
5. Protecting Public from Impositions
6. Beach Parks
7. Penalty; Person Defined
8. Service Charges
9. Point Lobos Reserve

Article 1. Preserve Beauty of the Park

1300. No person shall pick flowers, foliage, berries or fruit, or cut, break, dig up, or in any way mutilate or injure any tree, shrub, plant, fern, grass, turf, railing, seat, fence, structure or any other object in a State Park.*†

NOTE.—§§1300 to 1364, inclusive, issued under authority contained in Section 5003, Public Resources Code. The source of §§1300 to 1364, inclusive, is the rules and regulations, State Park Commission.

1301. No person shall cut, carve, paint, mark, paste, or fasten on any tree, fence, wall, building, monument or other object within a State Park, any bill, advertisement or inscription.*†

1302. No person shall dig up or remove any dirt, stones, rock or other substance whatever, make any excavation, quarry any stone, or lay or set off any blast, or cause or assist in doing any of the said things, within a State Park, without the special order or license of said Commission.*†

1303. No bottles, broken glass, ashes, waste paper, or other rubbish shall be left in a State Park except in a properly provided receptacle designated for that purpose.*†

1304. No fires shall be built, lighted or maintained within a State Park except in a camp stove or a fireplace provided, maintained, or designated for such purpose, unless by authority of the Commission, excepting, however, that oil or gasoline camp stoves may be used in established campsites or picnic areas where other stoves are provided. Risk of destructive fires is always present without these regulations.*†

Article 2. Protection of Wild Life

1309. Dogs are prohibited in State Parks from 8:00 P.M. to 7 A.M., except "Seeing Eye" dogs. At all other times, dogs must be kept on leash. Without proper authority, no domestic animal shall be permitted to run at large in any State Park, either with or without a keeper.

1310. No person shall ride, drive, lead or keep a saddle horse or other animal in any State Park, except on such roads, trails or areas, and subject to such regulations as the Commission may from time to time especially designate. No horse or other animal shall be hitched to any tree or shrub in a manner that may cause damage.*†

1311. No person shall discharge any firearms from or into a State Park. All firearms brought into a State Park must be unloaded, checked and registered with State Park employee in charge. Possession of a loaded gun in a State Park constitutes a misdemeanor.*†

1312. No person shall molest, injure or kill any bird or mammal, or disturb its habitat in a State Park.*†

*† For statutory and source citations, see note to §1300.

Article 3. Maintain Peace, Quiet and Respectability

1317. No threatening, abusive, boisterous, insulting or indecent language or gesture shall be used in a State Park. Nor shall any oration, harangue, or other public demonstration be made.*†

1318. No person shall discharge or set off on or within a State Park, any firecrackers, torpedoes, rockets, or other fireworks.*†

NOTE.—State Park employees are vested with police authority and empowered to make arrests for violations of State Park rules and regulations.

Article 4. Protection of Life and Limb

NOTE.—To protect life and limb, and assure an atmosphere in keeping with the park surroundings, certain regulations of automobile and other traffic are necessary and will be enforced.

1324. The speed limit within State Parks is 15 miles per hour on all roads except State and county highways.*†

1325. No automobile or other vehicle shall be driven upon roads not public highways in a State Park except as the Commission may from time to time especially designate.*†

1326. No commercial vehicles, except in the service of or by special permission of the Commission, shall enter any part of a State Park over park roads.*†

NOTE.—No liability attaches to the State or to members of the State Park Commission for neglect or accident to park visitors or patrons.

Article 5. Protecting Public from Impositions

1331. It shall be unlawful for any person to engage in the business of soliciting, selling or peddling any liquids or edibles for human consumption or to distribute circulars or to hawk, peddle or vend any goods, wares or merchandise in a State Park except as provided by law, or State Park Commission.*†

NOTE.—Rules applying to special conditions or situations within an individual park may be supplemental to the above. When special rules apply they will be posted in the affected areas.

Article 6. Beach Parks

1336. No person shall erect, maintain, use or occupy on a State Beach any tent, lodge, shelter, or structure unless there shall be an unobstructed view into such tent, lodge, shelter or structure from at least two sides.

(a) No guy wire, guy rope or exterior brace or support shall be connected, fastened or maintained between any such tent, lodge, shelter or structure or any part thereof, and any structure, stake, rock or object outside of such tent, lodge, shelter or structure.*†

1337. It shall be unlawful for any person to give or transmit a signal of false drowning alarm in any manner or mode.*†

1338. Horseback riding on State Beaches is prohibited.*†

1339. Disrobing on State Beaches is not permitted and clothing sufficient to conform to common standards must be worn at all times.*†

*† For statutory and source citations, see note to §1300.

Article 7. Penalty; Person Defined

1344. These rules and regulations are promulgated in accordance with a mandatory provision of Section 5008, Public Resources Code, which reads in part as follows:

"The State Park Commission shall protect the State Parks from damage and preserve the peace therein. Any person who violates the rules and regulations established by the State Park Commission is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding 90 days, or by a fine not exceeding five hundred dollars ($500), or by both such fine and imprisonment."

1345. *Person Defined*—The word "person" whenever used in these rules shall be construed to mean and include natural persons, firms, copartnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by a servant, agent or employee.

Article 8. Service Charges

1350. (a) Uniform Park Service Charges for Use of Facilities.

Type of Service	*Unit*	*Day*	*Week*	*Month*
Picnicking	per car	$0.25		
	organized groups	.05 ea.		
Camping	per car	.50	$3.50	$15.00
	per trailer	.60	4.20	18.00
	organized groups	.05 ea.	.35 ea.	1.50 ea.
Parking	per car	.25		
	per bus	.50		
Pier Fishing	per person	.25		
Extras	per table	.25	1.00	3.50
	umbrella	.25	1.50	3.50

(b) Fuel Charges Apply as Available in Various Parks.

Wood	per bundle 12"x12"	$0.25		
	(Users to get same from established center)			
Gas	Applies to picnicking and camping	.10	.25	$1.00
Electricity	Applies to picnicking and camping	.10	.25	1.00

Article 9. Point Lobos Reserve

Point Lobos has been described by an eminent artist as "the greatest meeting of land and water in the world." In order to keep unspoiled its beauty and interest, we ask your cooperation in observance of the following rules:

1356. Because of extreme fire hazard, no fires or smoking can be permitted.*†

1357. Picnicking is provided for in specified areas along the south shore west of the road. No camping is allowed.*†

1358. No plant or animal life of any description is to be disturbed, injured or removed. *This includes Seaweed and all Shellfish such as Abalone, Mussels, Sea Urchin, Sea Snail and Rock Crabs.*†

1359. Soil, rocks, brush and dead wood should be left undisturbed, as these features have important relation to scenic effects and to preserving plant and animal life. The aim is to change as little as possible the normal processes of nature.*†

1360. Fishing with hook and line from the shore is permitted, except within the North Headland Preserve, and in unsafe localities. Commercial fishing is prohibited.*†

1361. Motorists should keep to the roads and parking places, and not drive or park elsewhere.*†

1362. Visitors should stay on the trails in the Cypress Headland and on steep banks along the shores, to avoid damaging plants and soil.*†

1363. No dogs are allowed to run loose in the Reserve.*†

1364. No firearms are permitted. Leave them with the Warden.*†

*† For statutory and source citations, see note to §1300.

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(g) If sportfishing boat has not operated during any month, the boat captain or owner shall so notify the Division of Fish and Game, not later than the fifth of the following month.

(h) Each party fishing boat shall be assigned a Division of Fish and Game boat number, which shall be carried on such boat in accordance with Section 1099 of the Fish and Game Code.

(i) The owner or operator of each vessel required to obtain a permit under Section 432.5 of the Fish and Game Code shall keep a notice containing information on license requirements, bag limits, etc., posted in a prominent place on the vessel. This notice shall be furnished by the Division of Fish and Game.

(j) Both the boat owner and the captain are responsible for keeping accurate records and complying with these regulations.

(Section 432.5, Fish and Game Code)

[Regulation of Fish and Game Commission, General Order No. 17.]

(Filed 6-27-47; Effective 6-27-47)

800. Scientific Collecting Permits.

(a) Permits shall be issued to three classes of collectors:

(1) Staff members and graduate students of accredited scientific institutions, and employees of State and Federal agencies who collect in connection with their regular duties.

(2) Private collectors who maintain collections that are available for use by schools, museums, and other organizations for educational and scientific purposes without cost. They must be sponsored by two accredited scientists.

(3) Student collectors who, as a part of their training, collect for museums or other accredited scientific institutions and are sponsored by accredited scientists.

Division of Fish and Game will check the equipment and boat of the applicant to see that it conforms to requirements. A single master permit will be issued to a boat, diver and all crew members as a single unit. In addition each crew member, except the holder of the master permit, will be issued a supplemental permit which shows the number of his commercial fishing license and the number of the master permit. This supplemental permit shall be considered an integral part of the master permit and any revocation of a master permit will constitute a revocation of the supplemental permits held thereunder. The holder of the master permit and each holder of a supplemental permit must have these permits on the boat at all times while operating. If a crew member wishes to transfer his operations to a different master permit he shall apply to the local warden for change of supplemental permit. The warden will make the necessary notation of change on the master permit and on the crew member permit and send proper notification to the head office.

(f) Permits shall not be assigned or transferred, and any right or privilege granted thereunder is subject to revocation, without notice, by the Fish and Game Commission at any time.

(g) The provisions of the Fish and Game Code of California relating to abalones, particularly Sections 792 to 802 inclusive, and each of them, shall be a condition of all permits to be fully performed by the holders thereof, their agents, servants, employees, or those acting under their direction and control.

(h) All permits, including the master and all supplementals, shall be revoked and cancelled upon the breach or violation of any of the terms or conditions by the holders thereof, their agents, servants, employees, or those acting under their direction and control, and may not be renewed for a period of one year from date of revocation. (Filed October 23, 1946.)

(Section 802, Fish and Game Code)

[Regulation of the Fish and Game Commission
General Order No. 21 (as amended September 16, 1946).]

101. Possession of Sliced Abalone During Closed Season.

Persons desiring to hold sliced abalone legally taken during the open season shall place same in a public cold storage warehouse; and a non-negotiable receipt shall be issued and delivered to the Fish and Game Commission. On opening of the season, the Fish and Game Commission shall release such sliced abalone to the person placing such sliced abalone in storage; and all storage charges are payable by the owner of such sliced abalone.

(Section 793, Fish and Game Code)

[Regulation of Fish and Game Commission, General Order No. 24, 1-22-44]

102. Abalone Packers Permit.

Pursuant to the provisions of Section 1061 of the Fish and Game Code it is hereby ordered:

That no abalones be received for processing except under an abalone processors permit.

The following are the regulations under which permits are to be granted.

1. No permittee shall receive, transport, sell or offer for sale any abalone out of the shell except which has been processed (sliced, pounded and packed) in a plant operating under a permit. The permittee shall clearly stamp on each processed package the number of his processors permit and shall not sell, or offer for sale, processed abalone which is not so marked.

2. A permit shall not be issued or delivered until all taxes due the State under the Fish and Game Code have been paid in full.

3. No permit shall be issued until the permittee shows satisfactory evidence that his processing plant has conformed to the requirements of the County Board of Health as provided by the State and County Public Health Codes.

4. Proper records of pounds and dozens of abalone received shall be kept.

5. No abalones shall be received for processing except from the holder of a valid permit to dive for abalones commercially.

6. A permit will be issued for each processing plant at the specified location shown on the permit and shall not be sold, transferred or otherwise assigned without the written approval of the Commissioners.

7. This permit shall be revoked upon violation of any provisions contained herein and shall not be renewable for a period of one year from date of revocation. (Filed October 23, 1946.)

(Sections 802, 1010, 1061, 1074, and 1077 of the Fish and Game Code)

[Regulation of the Fish and Game Commission,
General Order No. 25, 9-16-46]

110. Clams Imported from South of International Boundary between the United States and Mexico.

Persons bringing clams into the State from south of the international boundary between the United States and Mexico at any time shall comply with the following regulations:

(a) Upon arrival at port of entry such person shall report the arrival to the office of the Division of Fish and Game and file a duplicate copy of the U. S. Customs Service consumption entry covering such clams and shall furnish such additional evidence as may be necessary to show that such claims were taken from south of the international boundary.

(b) In accordance with the provisions of Section 805 of the Fish and Game Code all containers in which clam meat is shipped shall be marked at the point of origin with the following wording:

"IMPORTED FROM MEXICO"

I hereby certify that the clam meat contained herein was removed from shells of the minimum size limit of five inches prescribed by the laws of the State of California.

Name of Mexican Authority

Title

Date

The cost of such marking and certification shall be paid by the Importer.

(Section 805, Fish and Game Code)

(Regulation of Fish and Game Commission General Order No. 16 Amended 4-11-46.) (Filed 5-15-46; effective 5-15-46)

121. Lobsters, Spiny.

(a) Persons desiring to possess and sell legally taken spiny lobsters during the closed season must declare and have said lobsters inspected by the Division of Fish and Game prior to the closing of the season. They shall be identified with a distinguishing mark by punching a symbol through the tail of each spiny lobster, or by such other tag or distinguishing mark as the Commission may designate. The marking or punching is to be done under the immediate supervision of a designated Warden of the Division of Fish and Game prior to the closing of the spiny lobster season.

(b) Persons desiring to mark spiny lobsters intended for sale during the closed season must anticipate the need for such service and request of the Division of Fish and Game that a distinguishing symbol be designed for their use and a punch with such symbol be provided at their expense prior to the actual date of marking.

(c) All marking hammers or punches are to remain in the possession of the Division of Fish and Game office at San Diego or Terminal Island when not actually being used to mark lobsters under their immediate supervision.

(d) As provided in Section 786 of the Fish and Game Code all expenses shall be paid by the owner or person requiring such service. Application for the inspection and marking of such spiny lobsters must be made at the Division of Fish and Game office either at Terminal Island or San Diego.

(Section 786, Fish and Game Code)

[General Order No. 4, as amended 11-24-37]

131. Oysters and Oyster Reserves.

The following described areas are natural oyster beds of native oysters and are hereby set aside as oyster reserves for the cultivation of oyster seed:

(a) All natural oyster beds of native oysters in the waters of Humboldt Bay and in the sloughs or inlets tributary thereto.

(b) Oysters, oyster seed and oyster shell may be taken from oyster reserves only by order of the Division of Fish and Game.

(c) Oysters and oyster shell taken in San Francisco Bay or Tomales Bay may be replanted or replaced only in San Francisco Bay or Tomales Bay.

(d) All oysters, oyster seed and oyster shell shall be inspected by the Division of Fish and Game before being placed or planted, except that oysters, oyster seed and oyster shell may be replanted or replaced in the bay from which taken without inspection.

(Sections 816, 817, 818 and 819, Fish and Game Code)

[General Order No. 14 as amended 9-17-43]

132. Imported Crab Meat. Fresh crab meat in metal or paper containers may be imported into the State regardless of season. Fresh crab meat in the shell or parts of the shell may not be imported during the closed seasons during which the taking of crabs are prohibited. All shipments of fresh crab meat must be accompanied by an invoice from the out-of-state seller.

(Section 790, Fish and Game Code. Filed 10-23-46.)
[Regulation of the Fish and Game Commission]

141. Sardine Canners, Reduction Plants and Packers of Other Sardine Products.

(a) Each sardine canner must furnish to the Division of Fish and Game from each can company supplying such canner or packer with cans, a copy of each invoice of cans as cans are shipped from the can company, which shall show the number and size of each lot of cans received, the date of shipment, and the number of the car in which shipped in case shipment is made by rail. The Division of Fish and Game shall also be forthwith furnished with a carbon copy of the can company's record of any adjustment for cans returned.

(b) Each sardine canner shall designate one of its employees to accompany and assist the employee of the Division of Fish and Game in taking an inventory of the empty cans on hand at the close of each calendar month. The inventories shall be made in duplicate, and each shall be signed by the two persons making the inventory, and one copy shall be retained by the canner and one by the Division of Fish and Game.

(c) If, after fish have been received as sardines at the plant, it is desired to use any of the sardines as fresh fish, or for bait, or for salting, or for any other purpose than canning or reduction, the canner or packer shall first notify the local representative of the Division of Fish and Game, who, with representative of the canning or packing company, shall determine the amount of the fish so diverted.

The same provisions shall apply in cases where fish are received as sardines, and it is desired to recover from the catch mackerel or other fish.

(d) No sardines shall be received at any canning, packing, preserving, reduction or other plant for canning, packing or reduction, which are spoiled or tainted or which do not meet with the standards established by the State Board of Health for canning purposes, nor shall any sardines be received for any purpose unless such sardines are fit for human consumption, provided, however, that any fish received in good condition and spoiled while in process shall be permitted to be reduced, but such fish so reduced must be included in and considered a portion of the 32½% provided for in Section 1066, Fish and Game Code.

(Section 1077, Fish and Game Code)
[General Order No. 11 as amended 11-24-37]

142. Fishermen and Fish Plants.

(a) In order to prevent waste of fish, no person shall take or bring in to any cannery, packing, preserving, reduction or other plant, fish in excess of an amount for which he has a bona fide order in writing, either

from the plant to which the fish are to be delivered, or from an organization acting for the plants or for the fishermen within the region; and no person shall deliver fish to a packing plant which are of a size, condition or species not specified in the bona fide order.

A person shall not be considered as having a bona fide order to deliver fish if it is general knowledge, or if it is known by him, that weather conditions, strikes or other labor conditions, or any other conditions will prevent the completed delivery of fish to the given plant.

(b) To prevent waste of fish, fishermen shall to the best of their ability, avoid impounding more fish when laying out the net than they intend to load on their boat, or of impounding fish of a size or species which do not comply to this order. In cases where more fish are accidentally caught in the net than it is desired to take on their boat or lighter, or in cases where fish which in size, quality or species do not conform to this order, are accidentally caught in the net, fishermen shall release the excess fish or the fish which do not comply to this order while they are still alive and before they commence brailing out the catch.

(Sections 1061 and 1077, Fish and Game Code) (Filed 10-23-46)

[Regulations of the Fish and Game Commission]

143. Sardine Pack, Acceptable Equivalents for, Other than One-pound oval Cans

Section 1067 of the Fish and Game Code provides that a ton of sardines suitable in size and condition for canning will produce 960 one-pound oval cans of sardines, or the equivalent if other size cans are used. Allowing 32½ per cent of each ton of sardines actually received in a canning plant to be used for reduction purposes, as provided for in Section 1066 of the Fish and Game Code, this order requires the canning of 648 one-pound oval cans from each ton of sardines. Where other size cans are used, it is hereby ordered that the number of cans of sizes listed below be accepted during the 1941-42 sardine season, and thereafter until otherwise ordered, as the equivalent of 648 cans of one-pound oval cans. These equivalents are subject to revision at any time by this Commission.

1-lb. tall (meat, standard or new style can)	648 cans
(648 cans are equal to 13.5 cases, 48 cans to case)	
No. 10 can	90 cans
(90 cans are equal to 15 cases, 6 cans to case)	
Smacklets, 10½-oz. (Eastern Oyster)	816 cans
(816 cans are equal to 17 cases, 48 cans to case)	
Deviled or sardine paste (3¾-oz. cans)	2,592 cans
(2,592 cans are equal to 54 cases, 48 cans to case)	
Deviled or sardine paste (3-oz. cans)	3,240 cans
(3,240 cans are equal to 67.5 cases, 48 cans to case, or 32.40 cases, 100 cans to case)	
5-oz. or 6-oz. round (paste can)	1,600 cans
(1,600 cans are equal to 16 cases, 100 cans to case)	
½-lb. oval or 9-oz. oblong (whole fish)	1,008 cans
(1,008 cans are equal to 21 cases, 48 cans to case)	
½-lb. round	1,200 cans
(1,200 cans are equal to 25 cases, 48 cans to case, or 12.5 cases, 96 cans to case)	
½-lb. or 9-oz., boned and peeled	700 cans

(700 cans are equal to 7 cases, 100 cans to case)
¼-lb. boned and peeled 1,400 cans
(1,400 cans are equal to 14 cases, 100 cans to case)
½-lb. or 9-oz. fillet 840 cans
(840 cans are equal to 17.5 cases, 48 cans to case)

Any canner of sardines desiring to pack in cans of a size or style not listed above must submit samples of the pack to the Commission and secure the acceptable equivalent, before engaging in packing such size or style of pack.

(Section 1067, Fish and Game Code)

[Regulation of Fish and Game Commission, 8-22-41]

155. Rules and Regulations Regarding the Granting and Issuance of Permits to Take and Use Sardines by a Reduction Process During the 1946-1947 Sardine Season.

(a) All applications for a permit to take and use sardines by a reduction process shall be filed with the Commission on or before May 15, 1946. No applications shall be considered which are received or postmarked after midnight of said date.

(b) For the 1946-47 sardine season only, no reduction permit shall be granted or issued to any applicant who did not hold a permit and operate in the previous season unless such an applicant produces proof satisfactory to the Fish and Game Commission that he has his plant, including all buildings and equipment therein, as described in rule (h) fully constructed and fully equipped to receive and process fish at the time of filing his application.

(c) The tonnage for the 1946-47 sardine season shall be 395,000 tons and the tonnage to be granted each permittee shall be determined by dividing the total amount of sardines to be allotted during the 1946-47 sardine season for reduction purposes by the total number of permits granted.

(d) Transfer of permits between ports shall not be permitted. Transfer of permits between plants within a port shall not be permitted.

(e) Permits shall not be sold, assigned, transferred, or disposed of in any manner whatsoever except with the consent of the Commission first had and obtained.

(f) No additional tonnage shall be granted during the course of a season beyond the total set.

(g) A permit may be issued to a plant only after it has been inspected by an accredited representative of the Fish and Game Commission and upon certification by said representative that the plant is fully equipped and ready to operate. The penalty for not being ready to operate on the first day of the season shall be a revocation of tonnage on the basis of the number of days such plant fails to operate. The amount revoked for each day shall be equal to the total tonnage granted to the permittee, divided by total number of days in the season in the district in which the plant is located.

(h) Permits shall be granted or issued only to complete reduction plants. A complete reduction plant shall be a building or buildings which must be independent of any other plant, except the cannery of

which the plant is a part, and all machinery and equipment including hopper, hoist, and unloading facilities, scales, fish storage bins, presses, dryers, disintegrators wet or dry, meal sacking equipment, meal storage warehouse, oil settling tanks, oil centrifuges, oil loading equipment, and steam plant, and all other equipment necessary for the unloading, weighing and processing of sardines and for the storage of the products obtained therefrom. The joint use of any of the equipment or machinery with any other reduction plant shall not be permitted.

(i) Permits shall be issued upon the condition that a magnet of size adequate for the efficient recovery of tags is installed and operated continuously during the operation of the plant in a manner satisfactory to the Commission.

(j) All permits shall be issued subject to such conditions and restrictions as the Commission may elect to impose. A violation of any of the terms of these rules and regulations, or of the terms and conditions of the permit itself, or of the provision of the Fish and Game Code, shall subject the same to immediate revocation at the option of the Commission and no new or subsequent permit shall be issued to such permittee during the remainder of the season.

(k) All applications shall state that the applicant has read and understood the foregoing rules and regulations and agrees to be bound thereby. The masculine when used herein includes the feminine and neuter, and the singular the plural.

(Amended 10-27-45; filed 4-4-46)
(Section 1068, Fish and Game Code)
[Regulation of Fish and Game Commission 10-27-45]

156. Sardines, Limit of Catch for Reduction Purposes.

The Fish and Game Commission having made the findings required by Section 1068, Fish and Game Code, will grant permits to take and use sardines by a reduction process during the 1945-46 sardine season not to exceed 395,000 tons, such tonnage to be divided equally among those applicants for sardine reduction permits to whom such permits are granted.

(Section 1068, Fish and Game Code)
[Regulation of Fish and Game Commission, 6-8-45]

164. Shad and Shad Roe, Sale of.

Shad and shad roe to be held for sale between July 15 and March 14 shall be placed in a public cold storage warehouse at the close of the season, May 31; and a non-negotiable receipt shall be issued and delivered to the Fish and Game Commission. On or after July 15 said shad or shad roe shall be released to the owner by the Fish and Game Commis-

(b) The bag limit shall be 10 per day, and no person at any one time may possess more than 10 mourning doves.

(c) The shooting hours shall be from one-half hour before sunrise to sunset except on September 1, 1946 when the shooting hours shall be from 12.00 noon to sunset.

(d) Doves on which an open season is specified may be taken during such seasons only with a shotgun not larger than 10 gauge fired from the shoulder, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

(e) The possession limits hereinbefore prescribed shall apply as well to mourning or, turtle doves, and white-winged doves taken in Canada, Mexico or other foreign country and brought into the United States, as to those taken in the United States.

(Section 39, Fish and Game Code. Filed 8-27-46; effective 8-27-46)

[Regulation of Fish and Game Commission, 8-24-45]

270. Pheasants and Quail, Game Management Areas.

(a) Each Area must be open to any licensed hunter for shooting during the entire game management season upon payment of the fee as set forth in the application filed by the Licensee with the Division of Fish and Game, provided that the maximum legal number of birds have not been killed on said Area.

(b) Each proposed Area will be inspected by a representative of the Bureau of Game Farms and the local Warden before a license may be granted.

(c) No application shall be granted for a Permit to Operate a Game Management Area if such proposed Area adjoins any State or Federal park, monument, wilderness or primitive area, refuge or preserve.

(d) The Licensee shall plant pheasants or quail, or both, in an amount equal to 142.86% of the number of birds to be shot on the licensed Area.

(e) Birds must be released at least 72 hours before any shooting is permitted on a licensed Area.

(f) Birds at time of release shall be at least 12 weeks old, full-winged, and otherwise in a condition to go wild.

(g) All birds that are to be liberated on an Area must be inspected, before liberation, by a representative of the Division of Fish and Game, and birds which are rejected can not be released.

(h) All birds liberated on the Area must be banded by a representative of the Division of Fish and Game, before liberation, with serially numbered leg bands supplied by the Division of Fish and Game.

(i) In the case of these licensed Areas, "Domestically Reared Species" shall be construed to mean those species of pheasant or quail on which there is a legal open season in this State.

(j) The right to take any specific species on an Area will automatically cease when 70% of that species which have been released by the Licensee has been taken. (8-24-45)

(k) Not more than 70% of the birds of any one species liberated on an Area may be shot. (8-24-45)

(l) The Licensee shall notify the Division of Fish and Game immediately when 70% of any species of game birds has been taken on his Area. (8-24-45)

(m) All birds that have been liberated on an Area during any one season shall become the property of the State at the close of the season and shall not be taken into consideration when calculating the number of birds to be shot during following seasons.

(n) Trained bird dogs must be used on all Areas for the purpose of retrieving birds. At least one trained retrieving bird dog must be used with each group of hunters within licensed Areas.

(o) The Licensee, as a condition to shooting over his Area, may require a hunter, or group of hunters, to supply the bird dog required in Subdivision (n).

(p) The maximum fee that may be charged shall not exceed the maximum fee as set forth in Section 55 of the Fish and Game Code, and as set forth in the application filed with the Division and approved by the Commission. The operator of an Area shall not require the hiring of a guide unless the services of such guide are requested by the hunter upon the area. (8-24-45)

(q) The Licensee shall require that every hunter upon his Area have a valid State hunting license in his possession while hunting.

(r) Any person who hunts or bears arms on an Area who does not have in his possession a valid permit shall be deemed guilty of trespass.

(s) Licensees shall render monthly reports to the Division of Fish and Game, Ferry Building, San Francisco, on forms prepared and supplied by the Division, and an annual report at the conclusion of the shooting season for each Area, which report shall contain the following information: number of hunters; total kill by species and sexes; and such other information as may be required. The data from which these reports are compiled shall be kept on the licensed premises and shall, at all times, be available to authorized representatives of the Division for inspection. Such reports shall be filed not later than the tenth of the month following the period to which they pertain. A full record of cripples and lost birds shall be kept by each Licensee, including cripples ultimately taken, which latter will be counted as taken birds.

(t) Seals (as required in Section 56, Fish and Game Code) shall be affixed by the Licensee to all birds taken on his Area, before any bird may be removed from that Area, and shall be of the same type as those now furnished to domestic game breeders. Seals must not be given to hunters.

(u) Seals (as required in Section 56, Fish and Game Code) shall be obtained, by the Licensee, from the Division, prior to the taking of any birds on the Area; but, the quantity obtained shall not exceed 70% of

the number of game birds that may be released, on said Area, during any one season (see Section 54, Fish and Game Code). (8-24-45)

(v) Anyone leasing hunting privileges is bound by the provisions of Chapter 5, Division 1, Fish and Game Code, and the Rules and Regulations of the Commission applicable to the Licensee.

(w) The Commission may authorize the capture of wild game birds for propagation purposes only when the Commission is convinced that no game birds can be secured from licensed domestic game breeders.

(x) The Commission shall require proper care and sanitary conditions on the licensed premises or any premises where game birds are reared for release to prevent the spread of disease. Routine inspection of all such premises shall be made by the Division.

(y) Every operator must maintain five acres of year-round cover, approved by the Division, of each 100 acres included in the license, in which cover-area adequate foods shall be planted and protection provided against predators.

(z) No application shall be granted for a Permit to Operate a Game Management Area if such Area adjoins any State or Federal park, monument, wilderness or primitive area, refuge or reserve. (3-19-42)

(a-1) The shooting season on all licensed Game Management Areas shall be from November 1, 1946 to January 15, 1947, both dates inclusive. (6-27-46) (Filed 7-15-46)

(Sections 50 to 59.5, Fish and Game Code)

[Rules and Regulations of Fish and Game Commission]

300. Pigeons, Band-tailed, Season and Bag Limit.

(a) The open season for the taking of band-tailed pigeons shall be from September 1, 1946 to September 30, 1946, both dates inclusive.

(b) The bag limit shall be 10 per day and no person at any one time may possess more than 10 band-tailed pigeons.

(c) The shooting hours shall be from one-half hour before sunrise to sunset.

(d) Band-tailed pigeons on which an open season is specified may be taken during such seasons only with a shotgun not larger than 10 gauge fired from the shoulder, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

(e) The possession limits hereinbefore prescribed shall apply as well to band-tailed pigeons taken in Canada, Mexico, or other foreign country and brought into the United States, as to those taken in the United States.

(Section 39, Fish and Game Code. Filed 8-27-46; effective 8-27-46)

[Rules and Regulations of Fish and Game Commission]

310. Crop Damage. Permits to Kill.

In accordance with the provisions of Section 39 of the Fish and Game Code of the State of California and in conformity with Regulation Number 9 prescribed pursuant to the Migratory Bird Treaty Act;

The Fish and Game Commission do hereby approve the issuance of any crop damage permits to kill coots or band-tailed pigeons which are authorized by the Regional Director of the U. S. Fish and Wildlife Service.

This Regulation as to coots shall be in effect from December 10, 1946 to June 30, 1947.

This Regulation as to band-tailed pigeons shall be in effect from March 15, 1947 to June 30, 1947.

(Section 39, Fish and Game Code)

[Regulation of Fish and Game Commission, 9-16-46; Filed 10-9-46]

311. Quail, Areas Closed to Hunting.

For the purpose of further protecting the birds and mammals with which the Fish and Game Commission has stocked various areas in this State, of insuring their larger growth and better means of propagation and to the end of improving hunting conditions generally throughout the State, the following areas within the counties in the State of California, listed below are closed to the hunting or the taking, killing or having of any quail therein or therefrom from and after the date hereof and during all times and seasons until such time as new legislation is enacted by the State Legislature or by further or other order of the Director of Natural Resources:

Lassen County closed to the hunting of quail from November 15 to December 5, 1946, both dates inclusive.

(Section 1156, Fish and Game Code. Filed 11-12-46; effective 11-12-46)

[Order of the Director of the Department of Natural Resources, 10-25-46]

330. Waterfowl, Migratory; Season and Bag Limit.

The open season for the taking of migratory waterfowl for the season of 1946-47 in the State of California except in San Bernardino, Riverside and Imperial Counties, shall be from October 26, 1946 to December 9, 1946, both dates inclusive.

In San Bernardino, Riverside and Imperial Counties the open season shall be from November 23, 1946 to January 6, 1947, both dates inclusive.

(a) **Mergansers.** The bag limit on mergansers shall be 25 per day, no possession limit.

(b) **Coots.** The bag limit on coots shall be 25 per day and any one person at any one time may possess not more than 25 coots.

(c) **Ducks.** The daily bag limit shall be seven ducks including in such limit not more than one wood duck. Any person may possess except on the opening day, not more than 14 ducks including not more than one wood duck.

(d) **Geese and brant.** Except Ross Geese (upon which there is no open season) the daily bag limit shall be two of any species (except Ross) and in addition two lesser snow geese, and any person may not possess more than these limits.

331. Other Waterfowl Regulations.

No person on the opening day of the season may possess any migratory game bird in excess of the daily limit herein prescribed.

(a) The postseason period for possession of migratory game birds shall be 90 days.

332. Decoy.

The use of live goose and duck decoys is prohibited.

333. Shooting Hours.

The shooting hours shall be from one-half hour before sunrise to one-half hour before sunset.

334. Firearms, Type Permitted.

Migratory waterfowl on which an open season is specified may be taken during such seasons only with a shotgun not larger than 10 gauge fired from the shoulder, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

335. Bag Limit.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brant and coot taken in Canada, Mexico, or other foreign country and brought into the United States as to those taken in the United States.

(Section 39, Fish and Game Code)

[§§330-334, Regulations of Fish and Game Commission, 8-26-46. Filed 8-27-46; effective 8-27-46]

340. Waterfowl, Migratory, Imperial Game Refuge Open to Hunting.

That certain area, consisting of approximately 2,000 acres and generally known as and sometimes called the Imperial Game Refuge situated in T. 12 S., R. 14 E., Secs. 28, 29, 32, 33 and 34; T. 13 S., R. 14 E., Lots 1, 3, 6 and Tracts 168, 170, 169a, 167, 158, 159a, 159b and 160, S. B. B. & M. shall be open to the public for hunting of migratory waterfowl, and to fishing, subject to regulation until further order of this Commission.

(Section 339, Fish and Game Code)

[Regulation of Fish and Game Commission, 5-25-44]

(2) Griswold Creek from its mouth at the North Fork of Stanislaus River in Sec. 21, T. 4 N., R. 15 E., M. D. B. & M. to its head, and all tributaries (including Skull Creek); all of said waters lying in T. 4 N., R. 15, 16 & 17 E., T. 5 N., R. 16 & 17 E., M. D. B. & M.;

(3) Highland Creek from its mouth at the North Fork of Stanislaus River in Sec. 3, T. 6 N., R. 17 E., M. D. B. & M. to its head, and all tributaries; all of said waters lying in T. 6 N., R. 17 & 18 E., T. 7 N., R. 17, 18, 19 & 20 E., M. D. B. & M.;

All the above described waters to be closed to trout fishing from the first day of May to and including the twenty-ninth day of May, both dates inclusive, each and every year hereafter until further or other order as aforesaid.

[Order No. 75, 4-6-42]

(4) All waters lying within the drainage area of Cherry Creek and the West Fork of Cherry Creek above their confluence in Sec. 5, T. 2 N., R. 19 E., M. D. B. & M.; closed from the first day of May to and including the thirtieth day of June, both dates inclusive, each and every year hereafter until further order or legislation as aforesaid.

(5) All of the East Fork of Relief Creek from its junction with Relief Creek in Sec. 12, T. 5 N., R. 20 E. to its head and all tributaries (including Kennedy Lake) of said Creek; all of said streams and waters lying in T. 5 N., R. 20 & 21 E. and T. 4 N., R. 21 E., M. D. B. & M. to be closed from the first day of October to and including the thirty-first day of October, both dates inclusive, each and every year hereafter until further or other order as aforesaid.

[Order No. 65, 5-13-41]

(6) The waters of all streams forming the common boundary between Calaveras and Tuolumne Counties, including all the waters of any lakes and reservoirs on said portions of those streams to be closed from the first day of May to and including the twenty-ninth day of May, both dates inclusive, each and every year hereafter until further or other order as aforesaid.

[Order No. 64, 4-16-41]

(7) All of the waters of Phoenix Lake, said lake lying in Secs. 27 & 28, T. 2 N., R. 15 E., M. D. B. & M., to be closed to trout fishing from the first day of May to and including the twenty-eighth day of May, both dates inclusive, each and every year hereafter until further or other order as aforesaid.

[Added—Order No. 115, 3-20-45]

(a-30) County of Ventura.

(1) Ventura River from its mouth upstream to the 101 Highway Bridge; said waters lying in T. 2 N., R. 23 W., S. B.

NOTE 2—Paragraphs followed by * indicate that the waters described therein are closed to all types of fishing. All other paragraphs describe waters closed to trout fishing only.

B. & M.; to be closed to fishing from the first day of May to and including the thirty-first day of October each and every year hereafter until further or other order as aforesaid.
[Order No. 146. Filed 4-8-46; effective 4-8-46]*

(a–31) County of Yolo.

(1) Putah Creek from bridge on U. S. Highway No. 40 in Yolo and Solano Counties upstream to the mouth of St. Helena Creek in Lake County closed May 1 to 28, inclusive; said waters lying in T. 7 N., R. 1 W.; T. 8 N., R. 1 E.; T. 8 N., R. 1 W.; T. 8 N., R. 2 W.; T. 8 N., R. 3 W.; T. 9 N., R. 3 W.; T. 9 N., R. 4 W.; T. 10 N., R. 5 W.; T. 11 N., R. 5 W.; T. 11 N., R. 6 W.; T. 11 N., R. 7 W., M. D. B. & M.
[Order No. 155. Filed 3-21-47; effective 3-21-47]*

(a–32) County of Yuba.

(Section 495, Fish and Game Code)

21. Trout, Imported Steelhead.

Regulations prescribed for tagging of steelhead trout imported into California for sale.

(a) Only oval, spear-pointed, metallic tags, inscribed with the letters "F & G Cal" and bearing serial numbers are to be used. Tags will be supplied by the Division of Fish and Game at a cost of one cent each. A tag must be affixed to the body of each fish.

(b) For shipment into California by American Railway Express or by railroad freight, tags will be supplied to dealers outside the State, such tags to be affixed to the fish prior to shipment.

(c) Tags furnished dealers outside of the State are not transferable. Unused tags must be returned to the Division of Fish and Game for redemption at the close of the steelhead season. Rusted or mutilated tags will not be redeemed, but should be returned.

(d) Steelhead brought into California by truck or any conveyance other than railroad trains must be inspected and tagged at the State line.

(e) Salaries of inspectors must be paid in advance by the person requiring such inspection and tagging service, to the Division of Fish and Game.

(Section 626, Fish and Game Code)
[General Order No. 10, 2-16-42]

Article 2. Fish, Marine

100. Abalones, Permits to Take. (a) Every abalone diver shall carry a measuring device so that he may be able to measure all abalones before prying or lifting the abalone from its place of attachment. If any abalones under eight (8) inches in greatest diameter in Districts 18 and 19 and in District 10 only in waters lying south of Point Lobos

NOTE 2—Paragraphs followed by * indicate that the waters described therein are closed to all types of fishing. All other paragraphs describe waters closed to trout fishing only.

are accidentally detached by the diver, he must immediately replace such undersize abalones on the rocks from where they were taken.

(b) No abalones under eight (8) inches in greatest diameter in Districts 18 and 19 and in District 10 only in waters lying south of Point Lobos shall be sent to the surface of the water by divers, nor shall any abalones less than eight (8) inches in greatest diameter in Districts 18 and 19 and in District 10 only in waters lying south of Point Lobos be taken or possessed at any time. And further provided that in the event darkmeated abalones that reach the boat are not usable, they shall be put back into the basket and returned to the diver who shall see that they are placed on the rocks and they shall not be thrown overboard from the boat.

(c) No abalones shall be taken from the shell or be possessed out of the shell prior to their delivery at a processing plant provided with a State wholesale shellfish dealer's license.

(d) No person who operates under an abalone permit and uses diving apparatus is permitted to dive in water less than twenty (20) feet in depth in any district at any time except when employed or engaged in diving work not connected with gathering or taking any type of shellfish.

(e) All diving tenders and boats used in diving for abalones, except mother vessels from which diving tenders work, shall carry on the exposed part of the hull or on the superstructure amidships on each side of the boat, the number of the owner's permit, in ten inch black numbers on a white background. Commercial diving permits will be issued only to divers who use full deep sea diving equipment including a helmet and full diving suit. Before a permit is issued a representative of the

(a–24) County of Stanislaus.

(a–25) County of Sutter.

(a–26) County of Tehama.

All that portion of Deer Creek from the upper side of the County Bridge in Sec. 6, T. 24 N., R. 1 W., M. D. B. & M. on the County Road leading from Vina to Ensign, to a point on Deer Creek 1,000 feet downstream; all of said waters lying in Sec. 6, T. 24 N., R. 1 W., M. D. B. & M.

[Order No. 83, 1-20-43]

(a–27) County of Trinity.

(1) All streams tributary to the Pacific Ocean on the Coast of Humboldt County and all portions of such streams from their mouths to their headwaters including all tributary streams, lagoons (except Big and Stone lagoons), lakes (except Lake Pillsbury and its tributaries) and reservoirs; closed from the first day of May to and including the twenty-eighth day of May, both dates inclusive, each and every year hereafter until further order or legislation as aforesaid. (Supersedes Closing Order No. 72, dated April 6, 1942.)

[Amended—Order No. 109, 3-20-45]

(2) Trinity River from its mouth to its source; said river to be closed to fishing from the first day of February to the last day of said month, each and every year hereafter until further or other order as aforesaid.

[Order No. 144. Filed 4-8-46; effective 4-8-46]*

(a–28) County of Tulare.

(2) All of that portion of the South Fork Tule River and all those portions of tributaries of the South Fork Tule River from the East boundary line of the Tule River Indian Reservation to the heads of said streams, all of said waters lying in T. 21 & 22 S., R. 31 E., M. D. B. & M.; said waters to remain closed from the first day of June to and including the thirty-first day of October, both dates inclusive, each and every year hereafter until further order or legislation as aforesaid.

[Order No. 46, 1933]

(3) Bear Creek from its junction with South Fork of Middle Fork Tule River in Sec. 3, T. 21 S., R. 31 E., M. D. B. & M. to its head and all tributaries of said portion of said Creek; all of said waters lying in T. 21 S., R. 31 E., M. D. B. & M.

(4) McIntyre Creek above State Highway crossing in Sec. 35, T. 20 S., R. 31 E., to its head and all tributaries of said

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portion of said Creek; all of said waters lying in T. 20 S., R. 31 E., M. D. B. & M.

(5) Quaking Aspen Creek above the upper crossing of the Quaking Aspen-Camp Nelson Trail in Sec. 7, T. 21 S., R. 32 E., M. D. B. & M. to its head and all tributaries of said portion of said Creek; all of said waters lying in T. 21 S., R. 32 E., M. D. B. & M.

[Order No. 47, 3-30-40]

(6) North and South Forks of Peppermint Creek and their tributaries above their junction in Sec. 21, T. 21 S., R. 32 E., M. D. B. & M.; all of said waters lying in T. 21 S., R. 32 E., M. D. B. & M.

(7) Freeman Creek and tributaries above Lloyd Meadow drift fence; all of said waters lying in T. 20 S., R. 32 E., M. D. B. & M.

(8) North Fork of Middle Fork of Tule River above the Long Meadows drift fence in Sec. 13, T. 19 S., R. 30 E., M. D. B. & M.; and all tributaries of said portion of said stream; all of said waters lying in T. 18 S., R. 30 & 31 E. and T. 19 S., R. 30 and 31 E., M. D. B. & M.

[Order No. 49, 3-30-40]

(9) Fish Creek and tributaries above the gorge at the lower end of Big Troy Meadow; said waters lying in T. 20 S., R. 32 E., M. D. B. & M.

[Order No. 145. Filed 4-8-46; effective 4-8-46]*

(a–29) County of Tuolumne.

(1) Beaver Creek from its mouth at the North Fork of Stanislaus River in Sec. 16, T. 4 N., R. 15 E., M. D. B. & M. to its head, and all tributaries; all of said waters lying in T. 4 N., R. 15 E., T. 5 N., R. 15 & 16 E., T. 6 N., R. 17 E., M. D. B. & M.;

(2) Griswold Creek from its mouth at the North Fork of Stanislaus River in Sec. 21, T. 4 N., R. 15 E., M. D. B. & M. to its head, and all tributaries (including Skull Creek); all of said waters lying in T. 4 N., R. 15, 16 & 17 E., T. 5 N., R. 16 & 17 E., M. D. B. & M.;

(3) Highland Creek from its mouth at the North Fork of Stanislaus River in Sec. 3, T. 6 N., R. 17 E., M. D. B. & M. to its head, and all tributaries; all of said waters lying in T. 6 N., R. 17 & 18 E., T. 7 N., R. 17, 18, 19 & 20 E., M. D. B. & M.;

All the above described waters to be closed to trout fishing from the first day of May to and including the twenty-ninth day of May, both dates inclusive, each and every year hereafter until further or other order as aforesaid.

[Order No. 75, 4-6-42]

NOTE 2—Paragraphs followed by * indicate that the waters described therein are closed to all types of fishing. All other paragraphs describe waters closed to trout fishing only.

TITLE 14. Natural Resources

CHAPTER 1. DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER 1. DIVISION OF FISH AND GAME

SUBCHAPTER 2. DIVISION OF FORESTRY (No rules filed)

SUBCHAPTER 3. DIVISION OF MINES (No rules filed)

SUBCHAPTER 4. DIVISION OF OIL AND GAS (No rules filed)

SUBCHAPTER 5. STATE PARK COMMISSION

Printed March 31, 1945

SUBCHAPTER 1. DIVISION OF FISH AND GAME

Article
1. Fish, Freshwater
2. Fish, Marine
3. Birds
4. Mammals
5. General Regulations

Article 1. Fish, Freshwater

1. Salmon Spawning Areas Closed to Salmon Fishing.

The following areas are hereby designated salmon spawning areas; and no salmon may be taken on these areas between September 1 and February 28 of the following year until further notice:

(a) Main San Joaquin River from the site of the old Lanes Bridge up river to the Friant Dam, lying along the common boundary of Madera and Fresno Counties.

(b) Merced River, in Merced and Mariposa Counties, from the Santa Fe Railroad Bridge between Balico and Cressey up river to the Exchequer Dam.

(c) Tuolumne River in Stanislaus County from the highway bridge at Waterford up river to the La Grange Dam.

(d) Stanislaus River, along the common boundaries of San Joaquin and Stanislaus Counties and Calaveras and Tuolumne Counties from the Santa Fe Railroad Bridge up river to the Goodwin Dam.

(e) Mokelumne River in San Joaquin County and along the common boundary of Amador and Calaveras Counties from the Lockford vehicle bridge up river to the Pardee Dam.

(f) Cosumnes River in Sacramento County and along the common boundary of El Dorado and Amador Counties from the Sloughhouse vehicle bridge up river to the Latrobe vehicle bridge.

(g) American River in Sacramento County from its mouth up river to the junction of the north and south forks of the American River.

(h) North Fork of the American River along the common boundary of Placer and El Dorado Counties from its junction with the South Fork of the American River up river to the North Fork Debris Dam.

(i) South Fork of the American River in El Dorado County from its junction with the North Fork of the American River up river to the upper Salmon Falls.

(j) Yuba River in Yuba and Sierra Counties and along the common boundary of Sierra and Nevada Counties from its junction with the Feather River up river to the Upper Narrows Debris Dam, including all the tributary stream Deer Creek in Nevada County and all the tributary stream Dry Creek in Yuba and Sierra Counties.

(k) Feather River along the common boundary of Sutter and Yuba Counties and in Butte County from the City of Marysville up river to Las Palmas on the North Fork and to Forbestown on the South Fork.

(l) The following small streams entering Sacramento River below Red Bluff; Stoney Creek in Glenn County from its mouth upstream to the take-off of the South Canal. Mill Creek in Tehama County from its mouth up stream to Black Rock Falls.

(m) Clear Creek in Shasta County from its junction with the Sacramento River to a point eight miles up stream at the McCormick-Saltzer Dam. Cottonwood Creek in Shasta County from its junction with the Sacramento River up stream to where the North Fork of the Cottonwood Creek joins the stream.

(n) Battle Creek in Shasta County from its junction with the Sacramento River up stream to the junction of the North and South Fork of Battle Creek. (8-24-41 and amended 10-24-41)

(o) Papermill Creek and its tributaries in Marin County above tidewater up stream to the dam of the Marin Municipal Water District.

(p) Deer Creek in Tehama County; no salmon may be taken in this area until further notice. (Filed 6-19-41)

(Sec. 669, Fish and Game Code)

[Regulation of Fish and Game Commission, 1-8-43]

2. Imported Salmon.

Regulations prescribed for tagging of salmon imported into the State or held in possession or sold during the closed season, September 16 to November 14, both dates inclusive.

(a) Oval, spear-pointed, metallic tags, inscribed with the letters "F&G Cal" and bearing a number, are to be used. Tags are to be affixed to the body of the fish. The cost of the tags is one cent each, payable in advance.

(b) All salmon hauled into Del Norte County from Oregon, by truck between September 16 and November 14, both dates inclusive, must be inspected and tagged under the supervision of an inspector at the State line.

(c) Salaries of inspectors must be paid in advance to the Division of Fish and Game by the person requiring the service.

(d) Salmon caught legally during the open season, to be held or sold in Del Norte or Humboldt Counties between September 16 and November 14, both dates inclusive, must be tagged prior to September 16.

(Register 10, No. 2—11-15-47)

State of California
California Administrative Register 10, No. 2
(November 15, 1947)

Amendments and Additions to Rules and Regulations of

Title 4. Weights and Measures
Title 11. Attorney General
Title 16. Dry Cleaners
Funeral Directors and Embalmers
Medical Examiners

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scope of the examination qualifying him for such commission, including the number of subjects covered by his examination, the number of questions given in each subject, and whether the examination was oral or written.*†

1312. Hearings on Applications. An applicant for examination or license whose credentials indicate ineligibility as found by the credentials committee and the Board will not be given a hearing before the Board except in the cases in which such hearings are provided for in the Government Code and such applicant has filed a formal petition upon grounds recognized by said Government Code and sufficient in form and statement of grounds to support such a hearing; such hearing will be restricted to the issues properly presented by such petition.*†

Article 3. Education

1314. Preliminary Education. (a) The statutory preliminary education requirement of "a California high school or its equivalent" may be satisfied, in the absence of a diploma, by a certificate of preliminary education issued by an approved educational institution of higher grade.

(b) The "equivalent" in every instance must be determined by the validating officer appointed by the Board. The validation certificate issued by him must bear a date prior to the applicant's matriculation date in any school approved by the Board. A copy of such validation certificate must be filed with the Board as well as with the school.

(c) No student may be matriculated in any school approved by the Board, unless he is the holder of:

(1) A California four-year high school diploma;

(2) A high school diploma issued by an out-of-state institution, which maintained at least an equal standard, in which event the matriculant must possess in addition a validation certificate issued by the validation officer appointed by this Board; or

(3) A degree granted by an approved higher grade educational institution.

(d) No student may be matriculated in an approved school, seeking to qualify its graduates for a certificate under the Business and Professions Code, at a date later than one week immediately following the advertised date of opening or commencing of a specific semester in said school.

(e) The provision in Section 2170 (d) of the code which states that an applicant who is thirty (30) or more years of age may show "training power," etc., is interpreted to mean that the individual must be thirty (30) years of age at date of matriculation. The age must be determined by verified copies of baptismal records, or in lieu thereof

*† For statutory and source citations, see note to §1300.

by affidavit of one or both parents. No matriculation shall be made in approved drugless or chiropody schools unless both the matriculant and the school be in possession of a validation certificate issued by the Validation Officer.

(f) The Board will not approve an institution wherein a night course is conducted as a part of the regular curriculum.

(g) Advanced standing will not be sanctioned unless in the instance of a student coming from a school approved by the Board and then only where such student has made a passing grade in all subjects in each course during the term of his study in the school from which he seeks such advanced standing.*†

1315. Pre-medical Education. (a) The course of one year of college grade in the subjects of chemistry, physics and biology must be given separate and apart from the professional course prescribed in the law, and shall be pursued in a school or teaching institution of known repute, approved by the Board.

(b) Schools giving pre-medical courses in physics, chemistry and biology to students during the identical period when the student is taking his regular course in the study of medicine and surgery will not be approved by the Board.

(c) The holder of a drugless practitioner's certificate, who later expects to qualify for a physician and surgeon's certificate, must submit satisfactory documentary evidence that prior to commencing the study of medicine he completed a course of college grade in the subjects of chemistry, physics and biology and thereafter completed, in a school approved by the Board, the physician and surgeon's course set forth in the code. Failure to satisfy this requirement will necessitate completion of the pre-medical course as set forth in the code, to be thereafter followed by a full course of instruction in a school approved by the board as qualifying applicants for a physician and surgeon's certificate.*†

Article 3. Reciprocity

1319. Reciprocity Applications. (a) Endorsement of good moral character must be completed by two reputable and licensed physicians in the state wherein the applicant last practiced. These endorsers must hold the same kind of a license or certificate as that held by the applicant.

(b) When the examining board which issued the license used as the basis of application, is unable to furnish the grades obtained in individual subjects of examination, the applicant must file his affidavit that he did not fall below 60 percent in more than one subject of said written examination.

(c) Credentials based on an examination and a license issued by a state licensing board of any state when the applicant already holds a physician and surgeon's license issued by the same state, will not be accepted as the basis of a reciprocity application. *†

*† For statutory and source citations, see note to §1300.

CHAPTER 12. STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Printed December 5, 1946

Article
1. General Provisions
2. Funeral Directors
3. Embalming
4. Apprentices
5. Embalmer's Licenses
6. Procedure Before the Board
7. Miscellaneous

Article 1. General Provisions

1200. Location of Offices. The principal office of the State Board of Funeral Directors and Embalmers is located at 511 Business and Professions Building, 1020 N Street, Sacramento 14, California.

NOTE.—§§1200 to 1258, inclusive, issued under authority contained in Section 7606 of the Business and Professions Code. Source of §§1200 to 1258, inclusive, is the Rules and Regulations of the State Board of Funeral Directors and Embalmers.

1201. Tenses, Gender, and Number. For the purpose of the rules and regulations contained in this subchapter, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.*†

1202. Delegation of Certain Functions. The power and discretion conferred by law upon the board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpenas and subpenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive secretary, or, in his absence from the office of the board, the acting executive secretary.*†

1203. Filing of Addresses. Each person holding a certificate of registration, license, permit or any other authority to practice or engage in any activity in the State of California under any and all laws administered by the State Board of Funeral Directors and Embalmers shall file his proper and current mailing address with the Board at its office in Sacramento and shall immediately notify the Board at its said office of any and all changes of mailing address, giving both his old and his new address.*†

Article 2. Funeral Directors

1208. Application for Funeral Director's License. Every application for a funeral director's license shall be filed with the secretary of the Board not less than 30 days before the same shall be acted upon

*† For statutory and source citations, see note to §1200.

by the Board. Within 10 days after the receipt of such application, the secretary of the Board shall cause a notice of the filing of such application to be sent to the California Funeral Directors' Association and to such other organization or person as he may deem expedient, located at or near the place where such applicant proposes to engage in business as a funeral director. The secretary of the Board shall be and constitute a committee of the Board to act upon applications for funeral director's licenses, and when an applicant for a funeral director's license shows by his application and the proofs submitted therewith that he is qualified to receive a funeral director's license, and when all other requirements of this rule have been complied with, said secretary shall have the power to issue the funeral director's license applied for; provided, that all licenses thus issued by the secretary shall be submitted for approval at the next meeting of the Board after the issuance thereof, and if not approved by the Board, all licenses so issued by the secretary shall be deemed to have been only temporary and shall not be rendered permanent until so voted by the Board, but may when the evidence submitted so warrants, be denied by the Board.*†

1209. Ambulances, Hearses, and First-Call or Pickup Cars. All ambulances, hearses and first-call or pickup cars and the equipment therein shall be kept clean and sanitary and free from deleterious odors at all times. Such ambulances, hearses and cars and the equipment thereof shall be mechanically cleansed with a one per cent (1%) solution of chlorinated soda, or other suitable and effective disinfectant, immediately after having been used for the transportation of a human body dead of contagious disease.*†

1210. Funeral Director's License Not Ambulatory. A funeral director's license is not ambulatory and is issued for a specific location only. It shall be used only at the address specified in the certificate of license. The certificate of license shall remain the property of the State of California, in possession of the licensee only so long as he exercises the license at the location specified, and said certificate shall be surrendered to the State Board of Funeral Directors and Embalmers upon change of address, change of name, assignment or upon discontinuance of business at the specified address. This rule shall not prevent a licensed funeral director from conducting a funeral in another licensed establishment, nor shall it prevent a licensed funeral director from conducting a funeral at a church, cemetery, home, public hall, lodge room, or other suitable place.*†

1211. Name of Funeral Establishment. (a) No funeral establishment shall be conducted or held forth as being conducted or advertised as being conducted under any name which might tend to mislead the public or which would be sufficiently like the name of any other licensed funeral director so as to constitute an unfair method of competition.

(b) Transposition of a licensed name is permissible and the individuals comprising such name may be listed alphabetically in the classified and general sections of telephone directories and other listings with

*† For statutory and source citations, see note to §1200.

appropriate reference to the licensed name. Where the licensed name does not indicate the names of the individual owners of an establishment, the names of such owners as shown by the Board's records may be listed alphabetically in the classified and general sections of telephone directories and other listings, followed by appropriate reference to the licensed name. A stockholder of a corporation, licensed as a funeral director, shall not be deemed to be an owner of the establishment so licensed, but a partner of a copartnership so licensed shall be deemed to be one of the owners of such establishment and may be listed as an owner; provided, he is actively engaged in the conduct of the business, but not otherwise. The names of the president and one vice president and general manager of a corporation may be listed alphabetically in the classified and general sections of telephone directories and other listings, with appropriate reference to the licensed corporation of which they are such officers; provided, officers so listed are actively engaged in the conduct of the business. Corporations shall annually report to the board, at the time of making application for renewal of license, the names of their officers who are actually engaged in the conduct of the business.*†

Article 3. Embalming

1215. Attire While Embalming. Every person, while engaged in actually embalming a dead human body, shall be attired in a clean and sanitary smock or gown covering the person from neck to below the knees, and shall, while so engaged, wear rubber impervious gloves; and the body being embalmed shall at all times be so covered as to insure the privacy of said body.*†

1216. Sterilization of Embalming Instruments. All instruments and appliances used in the embalming of a human dead body shall be thoroughly cleansed and sterilized by boiling or by immersion for 10 minutes in a one percent (1%) solution of chlorinated soda, or other suitable and effective disinfectant, immediately at the conclusion of each individual case.*†

1217. Preparation Room and Destruction of Waste Materials. Every preparation room shall be provided with proper and convenient receptacles for refuse, bandages, cotton and other waste materials and supplies, and all such refuse, bandages, cotton and other waste materials shall be destroyed by incineration immediately at the conclusion of each case to the end that germs of disease may be destroyed and the public health thereby protected; and every funeral establishment shall be equipped with an incinerator suitable for this purpose.*†

1218. Sanitary Condition of Mortuaries. All mortuaries shall be kept and maintained in a clean and sanitary condition and all embalming tables, hoppers, sinks, receptacles, instruments and other appliances used in embalming human dead bodies shall be thoroughly cleansed and disinfected with a one percent (1%) solution of chlorinated soda, or other suitable and effective disinfectant, immediately at the conclusion of each individual case.*†

*† For statutory and source citations, see note to §1200.

1219. Embalming Table. Every preparation room shall be equipped with a sanitary embalming table, and such table shall be provided with running water draining from the table into a sink or hopper, which sink or hopper shall be connected with the sewer, septic tank, cesspool or other proper receptacle or conduit.*†

1220. Ventilation of Preparation Room. Every preparation room shall comply in respect to ventilation with state and local laws, ordinances and regulations and in the absence of such shall be so ventilated that no deleterious odors shall be allowed to remain therein and so that the odors therefrom shall not be permitted to enter into any other part of the premises of the funeral director or into any other adjoining premises.*†

1221. Care and Preparation for Burial. The care and preparation for burial or other disposition of all human dead bodies shall be strictly private and no one shall be allowed in the embalming room while a human dead body is being embalmed, except the licensed funeral director and his duly authorized officers and/or employees, licensed embalmers and their duly registered apprentices, instructors of the science of embalming in embalming schools or colleges duly accredited by the board and their students, and except public officials in the discharge of their duties; provided, that this rule shall not apply to duly accredited nurses employed in a case, nor to members of the immediate family of the deceased.*†

Article 4. Apprentices

1225. Application for Certificate of Registration as Apprentice. Every application for a certificate of registration as an apprentice shall be granted by the secretary of the Board within 10 days after the same has been filed with him, unless a hearing by the Board shall be held upon such application, in which case the application shall be granted or denied within 10 days after such hearing.*†

1226. Number of Apprentices Allowed. (a) Not more than two apprentices shall be allowed to register under any one embalmer, and no person shall be allowed to register as an apprentice in any funeral establishment wherein less than an average of three human dead bodies per apprentice per month shall have been prepared for burial or other disposition during the 12 months immediately preceding the date of the application for such registration, or in any funeral establishment wherein the Board determines that less than an average of three human dead bodies per apprentice per month shall be prepared during the 12 months immediately succeeding such application; and no person shall be allowed to register as an apprentice in any funeral establishment which has not been approved for apprenticeship by the Board.

(b) No funeral establishment shall be approved for employment of apprentices unless it shall have continuously in its employ a full-time California licensed embalmer.*†

1227. Leave of Absence by Apprentice. Application by an apprentice for leave of absence and for extension thereof shall be filed with the secretary and may be granted by him.*†

*† For statutory and source citations, see note to §1200.

1228. Completion of Apprenticeship. When it appears from the records of the Board that an apprentice has served his full term of apprenticeship, the secretary of the Board shall issue to such apprentice a written notification showing that he has completed his apprenticeship.*†

1229. Embalming by an Apprentice. Section 7632 of the Business and Professions Code provides that embalming by an embalmer's apprentice must be under the supervision of a regularly licensed embalmer. When an apprentice embalms a body out of the presence of the embalmer under whom he is apprenticed, the death certificate shall not be signed by such embalmer until he makes a personal inspection in the presence of the apprentice of the body as embalmed, and passes thereon.*†

Article 5. Embalmer's Licenses

1234. Application for and Date of the Examination. (a) The date for examinations for an embalmer's license shall be fixed by the Board and notice in writing of the time and place thereof shall be given by the Board, at least 15 days prior to said date, to approved embalming colleges within the State, to applicants for such examination and to all organizations within the funeral industry who shall have made written request for such notification.

(b) No person shall be permitted to take such examination unless he shall have filed in the Sacramento office of the Board, at least five days prior to the date of such examination, an application upon a form provided by the Board.*†

1235. Examination Prior to Completion of Apprenticeship. (a) Applicants for an examination for embalmer's license shall be permitted to take such examination after they have completed their embalming college course, notwithstanding that they may not, at such time, have completed their embalming apprenticeship and in the event of passing such examination the embalmer's license shall be withheld until apprenticeship has been served in full and all other requirements of the law complied with.

(b) Provided, however, that for the duration of the present war, any student in an approved embalming college, who after having completed not less than 50 percent of the required embalming college course enters the armed services of the United States before the completion of the prescribed course of such college, shall upon application therefor be permitted by the state Board to take an examination for an embalmer's license and in the event of passing such examination the embalmer's license shall be withheld until all requirements of the law have been complied with.*†

1236. Approval of Embalming Schools and Colleges. (a) Embalming schools and colleges shall be approved by the Board at the first meeting of the Board after the first day of March of each year. Any embalming school or college desiring approval by the Board shall make application therefor not less than 10 days preceding the first day of March of each year, and no embalming school or college shall be approved unless

*† For statutory and source citations, see note to §1200.

such application shall have been made. When the circumstances warrant, the Board may consider applications for such approval even though made subsequent to the time herein specified. Accompanying each such application shall be the catalogue, prospectus or other schedule describing the course or courses of study of the applicant and the time devoted to each subject. A concise description of school facilities shall also be furnished.

(b) Provided that when a student has registered in a school that has been approved by the Board, such student shall be permitted to take the examination notwithstanding that such college may thereafter not have the board's approval.*†

1237. Conduct of Examination. (a) Applicants for examination will be checked into the examination room alphabetically and by photograph. No applicant expecting to return will be allowed to leave the examination room within an interval of 30 minutes after the distribution of the questions nor thereafter unless accompanied by a watcher. No more than three examinees expecting to return may leave the examination room at any one time.

(b) All books, parcels, etc., must be deposited at the door of the examination room, and during the examination no applicant will be permitted to have on the table whereon he is writing any paper or other object than the examination questions, an examination tablet, a blotter, pen and ink, eraser and a watch.

1238. Same: Applicant to Furnish Pen and Ink. Each applicant for examination will furnish his own pen and ink. The Board will furnish blotters and examination tablets. The applicant will occupy the same table or desk throughout the examination. The Board will furnish a suitable and adequate number of watchers for each examination.*†

1239. Smoking in Examination Room Prohibited. Smoking is not permitted in the examination room while an examination is being conducted, and this rule will apply not only to the examinees, but to the watchers, members of the Board, and all other persons.*†

1240. Identfication Slips and Distribution of Examination Questions. (a) When seated in the examination room, each applicant will receive an identification envelope, wherein he will find a printed slip of paper, and thereon he will write his name and address in the space provided, specifying thereon where mail may reach him within one month after the date of the examination. Any change of this address must be forwarded to the Board office at Sacramento. Applicant will return said slip to the identification envelope and seal said envelope, which will thereupon be collected by one of the watchers.

(b) The questions of the first subject of the examination will be distributed as soon as the identification envelopes have been collected. The number on the identification envelope thus furnished shall be inscribed by the applicant upon each examination tablet, together with the date of examination and subject of the examination.*†

*† For statutory and source citations, see note to §1200.

1241. Communications by Applicants Prohibited. Applicants will not be permitted to hold communications, verbal or otherwise, with any other person than a watcher while the examination is in progress. Any disturbance on the part of an applicant will disqualify such applicant and he will be required to leave the examination room.*†

1242. Time Allotted to Each Subject of Examination. The time to be allotted to each subject of the examination shall be indicated on written instructions furnished to each examinee with the respective examination papers. Immediately upon completion of an examination subject, the applicant will leave the room, depositing his examination tablet in a box provided by the Board, and located at the exit of the examination room.*†

1243. Grading of Examination Papers. After the examination has been completed, the examination papers shall be examined and marked and the resultant grades in the several subjects, as well as the average grade of each applicant, shall be arrived at and determined by the Board. To constitute a passing grade, an applicant must receive an average mark of not less than 75 percent on all subjects; provided, that where the applicant has received a mark of less than 60 percent in more than one subject, such applicant shall not be passed notwithstanding his average mark may be higher than 75 percent.*†

1244. Retention and Destruction of Examination Papers. After examination papers have been graded, same shall be returned to the Sacramento office of the Board, where they shall be kept for a period of one year, after which period they may be destroyed.*†

Article 6. Procedure Before the Board

1248. Calendar of Cases. The secretary shall before each Board meeting, prepare a calendar of all matters to come before the Board at such meeting, but the Board shall not be limited by such calendar and may hear and consider other matters not on such calendar, and failure or neglect to have a matter placed upon such calendar shall not deprive the Board of the authority to hear and consider any case or matter so omitted.*†

1249. Hearings to be Public. All formal hearings of the Board shall be open to the public, but the Board may, when it deems such procedure proper, go into private session for the purpose of discussing any complaint or matter before it, or for the purpose of reaching a decision upon a matter submitted, but no evidence shall be taken upon a formal hearing in any such private session except that the Board may, in such private session, study and examine any evidence properly taken at a public hearing.*†

1250. Reinstatement of Licenses. (a) Whenever application is made for reinstatement of a license which has previously been suspended or revoked upon disciplinary grounds by the Board, no such reinstate-

*† For statutory and source citations, see note to §1200.

ment shall be granted by the Board until the expiration of not less than 30 days after the receipt of such application by the Board.

(b) Upon the receipt of any such application by the Board, the secretary shall forthwith cause notice thereof to be sent to such statewide associations or groups of board licensees as may be in existence in the State and to such other persons, associations or groups as the secretary may deem advisable.*†

1251. Proof of Law Violation. Section 7704 of the Business and Professions Code provides that violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of dead human bodies constitutes a ground for disciplinary action by the Board. Proof of such violation in any proceeding before the Board may consist of a certified record of a court or other proper tribunal having jurisdiction of the matter involved in the particular case.

Article 7. Miscellaneous

1255. Posting Rules. A placard upon which Section 1221 of these rules shall be printed must be fastened to the exterior of all doors of preparation and embalming rooms in every funeral establishment.

1256. Failure to Comply with Section 1255. Any funeral director failing to comply with the provisions of Section 1255 shall be subject to disciplinary action by the Board.

1257. Display of Certificate of Compliance. The certificate of compliance required by subdivision (d) of Section 7680 of the Business and Professions Code shall be displayed conspicuously in the place of business or employment of the licensee in proximity to the license certificate of such licensee.

1258. Waiver, Suspension or Amendment of Rules. The Board may at any time in its discretion waive, suspend or amend any rule herein set forth.*† (§§1200 to 1258, inclusive, filed 9-19-46)

*† For statutory and source citations, see note to §1200.

520.5. Examination for Shop License. (a) The written examination for a shop license of the spotting, sponging and pressing shop class shall consist of a test requiring the applicant to demonstrate his knowledge of the following subjects:

(1) Fabrics
(2) Cleaning processes
(3) Spotting
(4) Health and Safety laws and regulations relating to a cleaning and dyeing shop or store and a spotting, sponging, or pressing establishment.
(5) Management of a cleaning and dyeing shop or store and a spotting, sponging, or pressing establishment.

(b) Each of the subjects listed in subsection (a) hereof shall represent twenty (20) points and a total of seventy (70) points shall be a passing grade in the examination.*† (Filed 3-24-47; effective 3-24-47)

521. Examination for Clothes Cleaning Establishment License. (a) The written examination for a clothes cleaning establishment license shall consist of a test requiring the applicant to demonstrate his knowledge of the following subjects:

(1) Health and safety factors in dry cleaning and health and safety laws and regulations relating to a clothes cleaning establishment and a cleaning and dyeing establishment.
(2) Clothes cleaning establishment and cleaning and dyeing establishment practices.
(3) Production costs.
(4) Sales practices and costs.
(5) Administrative practices and costs.

(b) Each of the subjects listed in subsection (a) hereof shall represent twenty (20) points and a total of eighty (80) points shall be a passing grade in the examination.*†

522. Examination for Plant Owner Registration Certificate. (a) The written examination for an operator's registration certificate of the plant owner class shall consist of a test requiring the applicant to demonstrate his knowledge of the following subjects:

(1) Health and safety factors in dry cleaning and health and safety laws and regulations relating to a clothes cleaning establishment and a cleaning and dyeing establishment.
(2) Clothes cleaning establishment and cleaning and dyeing establishment practices.
(3) Production costs.
(4) Sales practices and costs.
(5) Administrative practices and costs.
(6) Fabrics and their use.
(7) Cleaning processes.
(8) Spotting.
(9) Finishing processes.
(10) Solvents and their reclamation.

*† For statutory and source citations, see note to §500.

(b) Each subject listed in subsection (a) hereof shall represent twenty (20) points and a total of one hundred and sixty (160) points shall be a passing grade in the examination.*†

523. Examination for Plant Manager Registration Certificate. (a) The written examination for an operator's registration certificate of the plant manager class shall consist of a test requiring the applicant to demonstrate his knowledge of the following subjects:

(1) Fabrics and their use.
(2) Cleaning processes.
(3) Spotting.
(4) Finishing processes.
(5) Solvents and their reclamation.

(b) Each of the subjects listed in subsection (a) hereof shall represent twenty (20) points and a total of eighty (80) points shall be a passing grade in the examination.*†

524. Examination for Shop Owner or Shop Manager Registration Certificate. (a) The examination for an operator's registration certificate of the shop owner or shop manager class shall consist of a manual and written examination.

(b) The manual examination shall consist of a test requiring the applicant to demonstrate his ability to press six (6) different pieces of wearing apparel.

(c) The written examination shall consist of a test requiring the applicant to demonstrate his knowledge of the following subjects:

(1) Fabrics
(2) Cleaning processes
(3) Spotting
(4) Health and Safety laws and regulations relating to a cleaning and dyeing shop or store and a spotting, sponging, or pressing establishment.
(5) Management of a cleaning and dyeing shop or store and a spotting, sponging, or pressing establishment.

(d) The manual examination and the written examination shall each represent one hundred (100) points and a total of one hundred forty (140) points shall be a passing grade in the entire examination. (Filed 3-24-47; effective 3-24-47)

525. Examination for Hat Renovator Owner or Hat Renovator Manager Registration Certificate. (a) The written examination for an operator's registration certificate of the hat renovator owner or hat renovator manager class shall consist of a test requiring the applicant to demonstrate his knowledge of the following subjects:

(1) Hat renovating, including various materials used therein.
(2) Health and safety regulations relating to a cleaning shop or store and a spotting, sponging, or pressing establishment.

*† For statutory and source citations, see note to §500.

(3) Chapter 18, Division 3 of the code.

(b) Each of the subjects listed in subsection (a) hereof shall represent twenty (20) points.

(c) In addition to the written examination for an operator's registration certificate of the hat renovator owner or hat renovator manager class, a manual examination shall be given consisting of a test requiring the applicant to demonstrate his ability to clean and block hats.

(d) The manual test in subsection (c) hereof shall represent forty (40) points.

(e) A combined grade of seventy (70) points shall be a passing grade in both the written and manual examinations. (Filed 11-26-46; effective 11-26-46.) *† (§§500 to 524, inclusive, filed 8-20-46)

526. Examination for Fur Renovator Owner or Fur Renovator Manager Registration Certificate. (a) The written examination for an operator's registration certificate of the fur renovator owner or fur renovator manager class shall consist of a test requiring the applicant to demonstrate his knowledge of the following subjects:

(1) Fur material

(2) Cleaning and finishing

(3) Health and Safety laws and regulations relating to a cleaning shop or store and a spotting, sponging, or pressing establishment.

(4) Chapter 18, Division 3 of the Code.

(b) Each of the subjects numbered one (1), three (3) and four (4) in subsection (a) hereof shall represent twenty (20) points.

(c) Subject number two (2) in subsection (a) hereof shall represent forty (40) points.

(d) A total of seventy (70) points shall be a passing grade in the examination. (Filed 3-24-47; effective 3-24-47)*†

*† For statutory and source citations, see note to §500.

CHAPTER 6. STATE BOARD OF CLEANERS

Printed December 5, 1946

Article
1. General Provisions
2. Licenses and Certificates of Registration
3. Examinations

Article 1. General Provisions

500. Location of Offices. (a) The principal office of the State Board of Cleaners is located at 520 Business and Professions Building, 1020 N Street, Sacramento 14, California.

(b) Branch offices of the State Board of Cleaners are located as follows:

(1) 209 California Building, 515 Van Ness Avenue, San Francisco 2, California.

(2) 617 Homer Laughlin Building, 315 South Broadway, Los Angeles 13, California.

NOTE—§§ 500 to 525, inclusive, issued under authority contained in Section 9533 of the Business and Professions Code. Source of §§ 500 to 525, inclusive, is the Rules and Regulations of the State Board of Cleaners.

501. Tenses, Gender, and Number. For the purpose of the rules and regulations contained in this subchapter, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.*†

502. Definitions. For the purpose of the rules and regulations contained in this subchapter, the term "Board" means the State Board of Cleaners; and the term "Code" means the Business and Professions Code.*†

503. Delegation of Certain Functions. The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpenas and subpenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code are hereby delegated to and conferred upon the executive secretary, or, in his absence from the office of the Board, the acting executive secretary.*†

*† For statutory and source citations, see note to §500.

Article 2. Licenses and Certificates of Registration

507. Forms of Licenses. Pursuant to the provisions of Chapter 18, Division 3 of the Code, the Board shall issue three (3) forms of licenses designated as follows:

(1) Shop License.
(2) Clothes Cleaning Establishment License.
(3) School or College License.*†

508. Shop License. (a) The Board shall issue a shop license to the owner of each cleaning and dyeing shop or store, or agency thereof, each spotting, sponging, or pressing establishment, or agency thereof, and each agency of a clothes cleaning establishment or cleaning and dyeing establishment upon such owner complying with the law and these rules and regulations.

(b) Shop licenses shall be divided into four (4) classes, and the class of each licensee shall be designated on his license, as follows:

(1) Spotting, Sponging and Pressing Shop.
(2) Agency.
(3) Hat Renovator.
(4) Fur Renovator.*†

509. Clothes Cleaning Establishment License. The Board shall issue a clothes cleaning establishment license to the owner of each clothes cleaning establishment and cleaning and dyeing establishment who complies with the law and these rules and regulations.*†

510. School or College License. The Board shall issue a school or college license to the owner of each private school or college of spotting, sponging, or pressing who complies with the law and these rules and regulations.*†

511. Operator's Registration Certificate. (a) Pursuant to the provisions of Chapter 18, Division 3 of the code, the Board shall issue an operator's registration certificate to any person who complies with the law and these rules and regulations.

(b) Operator's registration certificates shall be divided into ten (10) classes, and the class of each operator shall be designated on his certificate, as follows:

(1) Plant Owner.
(2) Plant Manager.
(3) Shop Owner.
(4) Shop Manager.
(5) Hat Renovator Owner.
(6) Hat Renovator Manager.
(7) Fur Renovator Owner.
(8) Fur Renovator Manager.
(9) School or College Owner.
(10) School or College Manager.

*† For statutory and source citations, see note to §500.

between the said Department of Public Works of the State of California and said _____bearing date the_____day of_____19____.

Now, If the said Contractor _____shall faithfully perform the said contract on his part, then the above obligation shall be void, otherwise shall be and remain in full force and virtue.

_____(Seal)
_____(Seal)
_____(Seal)
_____(Seal)
_____(Seal)

(g) **Supplemental Performance Bond** (Section 14371, Government Code):

SUPPLEMENTAL BOND TO ACCOMPANY CONTRACT NO._____

Know All Men by These Presents:

That _____, as Principal, and_____, a Corporation created, organized and existing under and by virtue of the laws of the State of _____and authorized to transact business in the State of California, as Surety, are held and firmly bound unto the State of California in the further sum of_____ to be paid to the said State or its certain attorney, its successors and assigns, for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, successors or assigns, jointly and severally, firmly by these presents.

THE CONDITION of this obligation is such, that:

If the above bounden Principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by and well and truly keep and perform the covenants, conditions and agreements in State Highway Contract No._____and the foregoing Memorandum of Agreement amending said contract and any alteration thereof made as therein provided for constructing_____State Highway in_____County, between_____; District_____, Route _____, Section_____, on his or their part to be kept and performed, at the time and in the manner therein specified, and in all respects according to their true intent and meaning and shall indemnify and save harmless the State of California, its officers and agents, as therein stipulated; then this obligation shall become and be null and void; otherwise it shall be and remain in full force and virtue.

Furthermore, this bond shall be construed as supplementing and extending a bond dated_____, accompanying State Highway Contract No._____, conditioned for the faithful performance of said contract subscribed by the parties hereto, and said original bond shall continue in full force and effect.

IN WITNESS WHEREOF, We have hereunto set our hands and seals on this _____day of_____, 194___.

Contractor

Surety

(h) **Labor and Materials Bond to Accompany Service Agreement** (Section 136.5, Streets and Highways Code, and Sections 4200-4207, inclusive, Government Code):

LABOR AND MATERIAL BOND TO ACCOMPANY SERVICE AGREEMENT

Know All Men by These Presents:

THAT WHEREAS, The State of California, acting by and through the Department of Public Works, has engaged_____ hereinafter designated as the "Vendor," to perform certain service and/or rental under Service Agreement No._____, Dist._____, Co._____, Rte_____, Sec._____,

AND WHEREAS, Said Vendor is required to furnish a bond in connection with said Service Agreement, providing that if said Vendor, or any of his or its subcontractors, shall fail to pay for any materials, provisions, provender or other supplies

or teams used in, upon, for or about the performance of the work agreed to be done, or for any work or labor done thereon of any kind, that the Surety on this bond will pay the same;

NOW, THEREFORE, We the undersigned Surety are held and firmly bound unto the State of California in the sum of_____dollars ($_____), said sum being one-half of the estimated amount payable by the said State of California under the terms of the agreement, for which payment well and truly to be made we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION of this obligation is such:

That if said Vendor, his or its heirs, executors, administrators, successors or assigns shall fail to pay for any materials, provisions, provender or other supplies or teams used in, upon, for or about the performance of the work contracted to be done, or for any work or labor thereon of any kind, as required by the provisions of Chapter 3 of Division 5 of Title 1 of the Government Code, and provided that the persons, companies or corporations so furnishing said materials, provisions, provender or other supplies, teams, appliances or power used in, upon, for or about the performance of the work contracted to be executed or performed, or any person, company or corporation renting or hiring teams or implements or machinery or power for or contributing to said work to be done, or any person who performed work or labor upon the same, or any person who supplies both work and materials therefor, shall have complied with the provisions of said code, the Surety or Sureties hereon will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In case suit is brought upon this bond the said Surety will pay a reasonable attorney's fee to be fixed by the court.

This bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Section 1184e of the Code of Civil Procedure, so as to give a right of action to them or their assigns in any suit brought upon this bond.

IN WITNESS WHEREOF, We have hereunto set our hands and seals on this _____day of_____A.D. 19___.

_____(Seal)

_____(Seal)
Vendor

_____(Seal)
Surety

By _____(Seal)
Attorney-in-Fact

California Address of Surety

STATE OF CALIFORNIA }
COUNTY OF_____} ss.

On this_____day of_____in the year one thousand nine hundred and_____, before me_____a notary public in and for said county, residing therein, duly commissioned and sworn, personally appeared_____, known to me to be the person whose name is subscribed to the within instrument as the attorney-in-fact of_____, and acknowledged to me that he subscribed the name of_____thereto as Surety and his own name as attorney-in-fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the said County of_____, the day and year in this certificate first above written.

Notary Public in and
for the County of_____,
State of California.

My commission expires_____.

To avoid delay in acceptance of this bond, attach power of attorney of attorney-in-fact unless filed previously with Department of Public Works, Sacramento

(i) **Performance Bond to Accompany Service Agreement** (Section 136.5, Streets and Highways Code):

PERFORMANCE BOND TO ACCOMPANY SERVICE AGREEMENT

Know All Men by These Presents:

That we, _____as Principal, hereinafter designated as the "Vendor," and_____

(b) **Bidder's Bond Used on Service Agreements for Relocation of Houses in Lieu of Payment for Right of Way** (Section 136.5, Streets and Highways Code):

Know All Men by These Presents:

That we, _____ of _____, California, as Principal, and _____, a corporation duly organized and doing business under and by virtue of the laws of the State of _____, and duly authorized to transact business in the State of California, as Surety, are held and firmly bound unto the State of California, Department of Public Works, Division of Highways, hereinafter called the Obligee, in the sum of _____dollars ($_____), lawful money of the United States of America, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION of the foregoing obligation is such that:

WHEREAS, The above bounden Principal contemplates submitting bids from time to time during the period commencing the_____day of_____, 194___, to the State Department of Public Works, Division of Highways, for performing certain work under service agreements, and desires that all such bids submitted during such period be covered by this bond in lieu of a deposit of cash, cashier's check, certified check, or surety bond with each bid.

NOW, THEREFORE, If the above bounden Principal shall, within the required time, enter into a written contract or service agreement in accordance with the bid as accepted and shall give bond or bonds with good and sufficient Surety or Sureties, as may be required, for the faithful performance and proper fulfillment of such contract, and for the payment of all claims for labor, material, equipment rental, and other things as required by the laws of the State of California, then this obligation shall be null and void, otherwise to remain in full force and effect.

Subject however to the following conditions:

(1) If the Principal shall fail to enter into the contract as awarded and to furnish the required bond or bonds, then an amount equal to the difference between the Principal's bid and the amount for which the Department of Public Works may procure the required work, or an amount not exceeding 10 per cent of the Principal's bid, whichever is lower, shall be forfeited to the State of California, Department of Public Works, Division of Highways, as liquidated damages.

(2) In no event shall the liability of the Surety either for one or more bids exceed the penal sum of this bond, not including costs, expenses or attorney's fees.

(3) In the event of any suit filed against this bond, the Obligee shall be entitled to recover its costs and expenses, including reasonable attorney's fees, to be fixed by the court in which such suit is filed.

(4) Any suit to recover hereunder must be instituted and service had upon the Surety within 90 days after the acceptance of the bid of the Principal by the Obligee.

(5) This bond shall be deemed canceled upon the effective date specified in a written notice served either by the Obligee upon the Surety or by the Surety upon the Obligee or sent by registered mail. Such date if the notice be served by the Surety shall be not less than twenty-five (25) days after the date of the notice, or if sent by the Surety by registered mail, not less than thirty (30) days after the date borne by the sender's registry receipt.

IN WITNESS WHEREOF, We hereunder set our hands and seals this_____ day of_____, 194___, at_____, California.

(c) **Labor and Material Bond** (Sections 4200-4207, inclusive, and 14371, et seq., Government Code), Form (1) or Form (2) following may be used.

Form (1)

LABOR AND MATERIAL BOND TO ACCOMPANY CONTRACT

Know All Men by These Presents:

THAT WHEREAS, The State of California, acting by and through the Department of Public Works, has awarded to_____

hereinafter designated as the "Contractor," a contract for the work described as follows:

AND WHEREAS, Said Contractor is required to furnish a bond in connection with said contract, providing that if said Contractor, or any of his or its subcontractors, shall fail to pay for any materials, provisions, provender or other supplies or teams used in, upon, for or about the performance of the work contracted to be done, or for any work or labor done thereon of any kind, that the Surety on this bond will pay the same;

NOW, THEREFORE, We the undersigned Surety are held and firmly bound unto the State of California in the sum of_____dollars ($_____), said sum being one-half of the estimated amount payable by the said State of California under the terms of the contract, for which payment well and truly to be made we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION of this obligation is such:

That if said Contractor, his or its heirs, executors, administrators, successors or assigns, or subscontractors, shall fail to pay for any materials, provisions, provender or other supplies or teams, implements or machinery used in, upon, for or about the performance of the work contracted to be done, or for any work or labor thereon of any kind, as required by the provisions of Chapter 3 of Division 5, Title 1 of the Government Code, and provided that the claimant shall have complied with the provisions of said code, the Surety or Sureties hereon will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In case suit is brought upon this bond the said Surety will pay a reasonable attorney's fee to be fixed by the court.

This bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Section 1184e of the Code of Civil Procedure, so as to give a right of action to them or their assigns in any suit brought upon this bond.

IN WITNESS WHEREOF, We have hereunto set our hands and seals on this _____day of_____A. D. 19___.

_____(Seal)
_____(Seal)
_____(Seal)
Contractor
_____(Seal)
_____(Seal)
Surety

Form (2)

Know All Men by These Presents:

That _____
as Principal, hereinafter designated the Contractor, and_____

as Surety, are held and firmly bound unto the State of California in the sum of _____dollars, to be paid to the State of California, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

SEALED With our seals.

Dated the_____day of_____A. D. 19___.

THE CONDITION of the above obligation is such, that:

WHEREAS, The said_____

has been awarded a contract by the Department of Public Works of the State of

California, in the State of California, for furnishing all necessary labor and materials, including tools, implements and appliances required, and performing and completing in a workmanlike manner all the_____

in the_____, California, as will more fully appear by the said contract bearing the date of the_____day of_____ 19___; and

WHEREAS, The total amount payable by the terms of said contract is the sum of _____dollars; and

WHEREAS, The said Contractor is about to enter upon the performance of such work and is desirous of giving bond in pursuance of the provisions of Chapter 3 of Division 5, Title 1 of the Government Code.

Now, if the said Contractor, or his subcontractor, fails to pay for any materials, provisions, provender, or other supplies, or teams used in, upon, for or about the performance of the work contracted to be done by him in connection with the_____ as more fully set forth in the contract to which this is attached, or for any work or labor done thereon, or in connection therewith, of any kind, then the above named Sureties will pay for the same in or to an amount not exceeding the said sum of _____dollars; and also, in case suit is brought upon this bond, a reasonable attorney's fee, to be fixed by the court; and until such payment shall be made, the above obligation shall be and remain in full force and virtue, otherwise (that is to say, if the said Contractor___ shall not fail to pay for such materials, supplies, work and labor) the above obligation shall be void.

SUBCHAPTER 2. APPROVED SURETY BONDS FORMS

Printed November 15, 1945

Article 1. The Forms Approved

Section
25. Forms Approved
26. Department of Agriculture
27. Athletic Commission
29. Division of Building and Loan
31. Division of Corporations
32. State Board of Cosmetology
34. Detective License Bureau
36. State Department of Education
38. Department of Employment
40. State Board of Equalization (Alcoholic Beverages)
42. Department of Finance
44. Division of Fish and Game
46. Franchise Tax Commissioner
47. Board of State Harbor Commissioners for San Francisco Harbor
48. Department of Industrial Relations
50. Department of Insurance
51. Department of Motor Vehicles
54. Division of Oil and Gas
55. State Board of Pilot Commissioners
57. Department of Public Works
59. Railroad Commission
61. Division of Real Estate
63. Secretary of State
65. State Lands Commission
66. State Treasurer
68. Water District Bonds and Undertakings

25. The Forms Approved. The form of the surety bonds approved by the Attorney General and required by the respective statutes, Rules and Regulations shall be substantially as set forth in the following Regulations in this Article.

NOTE.—§§25 to 68, inclusive, issued under the authority contained in Section 11112, Government Code. The source of §§25 to 68, inclusive, is the Rules and Regulations of the Attorney General.

26. Department of Agriculture. (a) Commercial Feeding Stuffs Tonnage Tax Bond (Sections 1083, 1083.5, and 1083.6, Agricultural Code):

BOND

Know All Men by These Presents:

That we,_____
_____State of California, Principal, and_____a corporation, as Surety, are held and firmly bound unto the State of California or the Director of Agriculture of the State of California, in the sum of one thousand dollars ($1,000) current lawful money of the United States of America, to be paid to the State of California or the Director of Agriculture of the State of California, or his successors or assigns; for which payment well and truly to be made we bind ourselves, our successors or assigns, jointly and severally, firmly by these presents.

WHEREAS, The said Principal has agreed with said State of California and said Director of Agriculture of the State of California that if it is granted permission and authority to print, issue and sell stamps, tags or labels provided for by Sections 1083 and 1083.5 of the Agricultural Code of the State of California as enacted by Chapter 301 of the Statutes of 1935, as amended by Chapter 709, Statutes 1939, Chapter 728, Statutes 1941, that it will well, truly and faithfully observe, perform and keep each and all of the following conditions or covenants:

1. Print, issue or sell said stamps or tags or labels only after the material, form and insignia thereof have been approved by the Director of Agriculture of the State of California, it being understood, however, that the insignia may be overprinted so long as the same is plainly visible, and that the stamps, tags or labels do not have to be numbered.

2. Print insignia on such stamps, tags or labels only when the purchaser's order therefor is accompanied by his check or draft payable to "Cashier, Department of Agriculture," the amount of which shall be in full payment of the tonnage tax represented by such stamps, tags or labels.

3. Promptly transmit to the Department of Agriculture of the State of California such check or draft, together with an invoice showing the party to whom such

stamps, tags or labels have been issued, delivered or sold, the denomination as to the poundage and the number of such stamps, tags or labels so issued, delivered or sold.

4. Keep complete detailed records as may be required or specified by the said Director of Agriculture of such stamps, tags or labels available for inspection by any officer, employee or agent of the Department of Agriculture of the State of California.

WHEREAS, Said Director of Agriculture has granted said_____ _____ permission and authority to print, issue and sell such stamps, tags or labels upon the condition that it will and shall faithfully perform all of said conditions or covenants, which said permission or authority may be revoked or rescinded by said Director of Agriculture forthwith by mailing to the Principal herein due notice of said revocation or rescission at its last known address of record in the Department of Agriculture.

The condition of the above obligation is such that if the above bounden_____ _____ the Principal herein, its successors or assigns, do and shall well, truly and faithfully observe, perform and keep all and every covenant or condition specified and herein above set forth, which on the part and behalf of said Principal, its successors or assigns, is, are and ought to be observed, performed, fulfilled and kept according to the true intent and meaning thereof, then the above written obligation shall be void; otherwise to remain in full force and effect.

DATED AND SIGNED this_____day of_____19___.

Principal

By _____

Surety

By _____

(Notary's certificate of acknowledgment of execution must be attached hereto, covering signatures of all parties).

(b) **Commission Merchant's Bond** (Section 1265, Agricultural Code):

STATE OF CALIFORNIA
DEPARTMENT OF AGRICULTURE

Department No._____
Bonding Company No._____

COMMISSION MERCHANT'S BOND

Know All Men by These Presents:

That we,_____, having a principal place of business at_____, California (hereinafter called the Principal), as Principal, and_____, a corporation organized under the laws of_____and duly authorized to transact business in the State of California (hereinafter called the Surety), as Surety, are held and firmly bound to the State of California in favor of every producer-consignor of farm products grown within the State of California in the sum of five thousand dollars ($5,000), for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION of the above obligation is such, that whereas the above named Principal has applied to the Director of Agriculture of the State of California for a license entitling said Principal to conduct the business of Commission Merchant at the place or places named in the application for one year from_____19___, in accordance with the provisions of Division 6, Chapter 6, of the Agricultural Code of the State of California.

NOW, THEREFORE, If said Principal shall well and truly comply with the provisions of Division 6, Chapter 6, of said Agricultural Code, and shall faithfully and honestly handle farm products as such licensed Commission Merchant for said license

For Prescription Scales and Balances.

3312. (a) **Class A Scales and Balances.** The tolerances on the ratio of arms of class A prescription scales and balances, in excess or deficiency, shall be the values shown in Table V. If a scale or balance is equipped with a graduated weighbeam, the tolerance at any graduation on the beam shall be the value of the actual SR of the scale or balance at the load in question.

TABLE V. TOLERANCES ON RATIO OF ARMS OF CLASS A PRESCRIPTION SCALES AND BALANCES

Load[1]		Tolerance on ratio	
Ounces, apoth.	Grams	Grains	Milligrams
½	15	0.2	13
1	30	.4	26
2	60	.8	52
4	120	1.6	104
8	240	3.2	208

[1] The amount of weight on the load-receiving element of the scale.
(If any prescription scale or balance has a smaller capacity than one-half ounce—or 15 grams—the tolerance to be allowed shall be the same proportionate part of 0.2 grain—or 13 mg—that this capacity is of one-half ounce—or 15 grams.)

(b) **Class B Scales and Balances.** The tolerances on the ratio of arms of class B prescription scales and balances, in excess or deficiency, shall be the values shown in Table VI. If a scale or balance is equipped with a graduated weighbeam, the tolerance at any graduation on the beam shall be 0.3 grain or 20 milligrams—unless this value is less than that of the actual SR of the scale at the load in question, in which case the value of this actual SR shall be used as the tolerance at any graduation on the beam.

TABLE VI. TOLERANCES ON RATIO OF ARMS OF CLASS B PRESCRIPTION SCALES AND BALANCES

Load[1]		Tolerance on ratio	
Ounces, apoth.	Grams	Grains	Milligrams
½	15	0.5	30
1	30	1.0	65
2	60	2.0	130
4	120	4.0	260
8	240	8.0	520

*†

[1]The amount of weight on the load-receiving element of the scale.
(If any class B prescription scale or balance has a smaller capacity than one-half ounce—or 15 grams—the tolerance to be allowed shall be the same proportionate part of 0.5 grain—or 30 mg—that this capacity is of one-half ounce—or 15 grams.)

3313. For Person Weighers. For the tolerances on person weighers see Section 3305.*†

3314. For Wheel-load Weighers. The tolerances for wheel-load weighers shall be 5 per cent, in excess or deficiency of the load applied: Provided, however, that the manufacturers' tolerance, or the tolerance for new wheel-load weighers, shall be 3 per cent, in excess or deficiency, of the load applied: And provided further, that this latter tolerance shall

*† For statutory and source citations, see note to §2875.

also be applied to wheel-load weighers which are being retested after having been found incorrect and subsequently adjusted or repaired. When wheel-load weighers are tested in pairs, the tolerance shall be applied to the sum of the indications of the 2 weighers and both shall be approved or condemned upon the sum of their indications; in this case each of the pair of weighers shall be appropriately marked to identify the pair tested together.*†

General Regulations

Lading

3315. (a) **Maximum.** A scale shall not be used for weighing loads greater than its nominal or rated capacity.

(b) **Minimum on Vehicle or Livestock Scales.** A vehicle scale or a scale having a capacity of 6,000 pounds or more and used exclusively in the weighing of livestock shall not be used for weighing loads of less than 1,000 pounds (1939).*†

3316. Straight and Level Approaches. A vehicle scale shall have at least 12 feet of straight driveway at either end of the scale in the same plane as the platform.*†

3317. Balance Condition. A scale shall be maintained in balance.*†

3318. Level Condition. A scale which is portable and which is being used on a counter or table or on the floor shall be maintained in level.*†

3319. Free Suspension. A scale of the hanging type shall be freely suspended when in use.*†

Weight Graduations on Scales

3320. (a) **Food Scales.** The value of the minimum weight graduations on a scale equipped with a weighbeam or reading face, used in the sale of foodstuffs at retail, shall not exceed 1 ounce. *A spring scale not equipped with a device intended to compensate for changes in the elasticity of the springs due to temperature efforts, or not so designed as to be substantially independent of such changes, shall not be used in the retail sale of foodstuffs.* (Filed 4-24-47; Effective 4-24-47)

(b) **Vehicle Scales.** The value of the minimum weight graduations on the weighbeam and/or on the reading face of a vehicle scale shall not exceed 20 pounds. (Filed 4-28-47; Effective 4-24-47)

(c) **Livestock Scales.** The value of the minimum weight graduations on the weighbeam *and/*or on the reading-face of a livestock scale shall not exceed 5 pounds (1940).*†

3321. Drainage. Wet fish or other wet commodities shall be weighed only on scales, the pan or platform of which will properly drain.*†

3322. Use of Class B Prescription Scale or Balance. A class B prescription scale or balance shall only be used in a drug store provided with a class A prescription scale or balance, and shall only be used for the weighing of loads of 10 grains or more.*†

*† For statutory and source citations, see note to §2875.

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